SCHOOL LAWS

LB2529
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1919

OF IOWA

FROM THE CODE OF 1897, THE SUPPLEMENT TO THE CODE, 1913, AND THE SUPPLEMENTAL SUPPLEMENT, 1915.

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WITH THE

ACTS OF THE THIRTY-SEVENTH AND THIRTY-EIGHTH GENERAL ASSEMBLIES.

A. M. DEYOE
SUPERINTENDENT OF PUBLIC INSTRUCTION

Published by
THE STATE OF IOWA
Des Moines
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PREFACE

The Department of Public Instruction is sending to county superintendents and school officers a copy of all school laws without annotations or decisions. The Thirty-seventh and Thirty-eighth General Assemblies amended many of the sections therefore it was thought advisable to put out this publication for temporary use. You will observe that the amendments have been written into the law thus giving you the amended text of each section. Such a plan seemed advisable in view of the fact that next year the Recodification Committee will report with a complete revision of the laws. This will necessitate a regular publication of the school code at an early date thereafter.

We trust that school officers will retain the 1915 edition of the school laws and transmit them to their successors for future use as they will be especially valuable on account of the annotations and decisions.

A. M. DEYOE,
Superintendent of Public Instruction.

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SCHOOL LAWS OF IOWA

SUPERINTENDENT OF PUBLIC INSTRUCTION.

Sec. 2627-a. **Elective by people—term—vacancy.** That the office of superintendent of public instruction is hereby made elective, and the election of said officer shall be submitted to the qualified voters of Iowa at the general election of 1918 and every four years thereafter. The term of such officer so elected shall commence at the expiration of the term of the superintendent of public instruction now in office, and continue until his successor is elected and qualified. Section twenty-six hundred twenty-seven-a (2627-a) supplement to the code, 1913, and all acts and parts of acts inconsistent herewith are hereby repealed. [37 G A., ch. 318; 35 G. A., ch. 103, §1; 35 G. A., ch. 103.]

Sec. 2627-b. **Qualifications—oath.** The superintendent of public instruction shall, at the time of his appointment, be a graduate of an accredited university or college, or of a four-year course above high school grade in an accredited normal school, and shall have had at least five years' experience as a teacher or school superintendent. He shall, before entering upon his duties, take and subscribe the constitutional oath of office, which shall be filed in the office of the secretary of state. [35 G. A. ch. 103 § 2.]

Sec. 2627-c. **General supervision—duties.** The superintendent of public instruction shall have general supervision and control over the rural, graded and high schools of the state, and over such other state and public schools as are not under the control of the state board of education, or board of control of state institutions, and his office shall be known as the department of public instruction. It shall be his duty:

1. *Inspection.* To ascertain, so far as practicable, by inspection or otherwise, the conditions, needs and progress of the schools belonging to his department.

2. *Recommendations.* To suggest, through public addresses, pamphlets, bulletins, and by meetings and conferences with school officers, teachers, parents, and the public generally, such changes and improvements as he may think desirable, and may publish and distribute such views and information as he may deem important.

3. *Promotion of interest in education.* To endeavor to promote among the people of the state a proper interest in the general sub-

ject of education, including industrial and commercial education, agriculture, manual and vocational training, domestic science and continuation work.

4. *Classification.* To classify and define the various schools belonging to his department, and to formulate suitable courses of study therefor, and to publish and distribute such classifications and courses of study.

5. *Officers' and teachers' reports—forms.* To prescribe the reports, both regular and special, which shall be made by public school officers, superintendents and teachers, and other persons or officers having the custody or control of public school funds or property, and to prepare suitable forms therefor, and to furnish blanks for such reports as are to be made to him.

6. *Days for special observance.* To publish and distribute from time to time leaflets and circulars relative to such days and occasions as he may deem worthy of special observance in the public schools.

7. *Appeals—opinions.* To examine and determine all appeals made to him according to law and the rules relating thereto, and to prescribe rules of practice therefor not inconsistent with law. He shall also render written opinions upon questions submitted by school officers pertaining to their duties.

8. *Reports.* He shall, on the first day of January of each year, report to the auditor of state the number of persons of school age in each county. He shall report biennially to the governor the conditions of the schools under his supervision, including the number and kind of school districts, the number of schools of each kind, the number and value of schoolhouses, the enrollment and attendance in each county for the previous year, any plans matured or measures proposed for the improvement of the public schools, and such financial and statistical information as may be of public importance; he may also include such general information relating to educational affairs and conditions within the state or elsewhere, as he may deem necessary.

9. *Plans and specifications for buildings.* He shall, when deemed necessary, cause to be prepared and published a pamphlet containing suitable plans and specifications for public school buildings, including the most approved means and methods of heating, lighting and ventilating the same, together with information and suggestions for the proper and economical construction thereof. It is hereby made the duty of the state architect to render such assistance and to perform such services in preparing such plans and specifications as may be requested by the superintendent of public instruction.

10. *Institutes.* He shall appoint county educational meetings or institutes to be held in each county once each year and not more

than twice, and shall designate the time and place for holding them. The program therefor, and the instructors and lecturers therein, shall be subject to his approval.

11. *Examinations.* He shall prepare and supply questions for the examination of applicants for teachers' certificates and for the examination of pupils completing the eighth grade in the rural schools.

12. *Placement of teachers.* (a) He shall assist in the placement of employment of teachers in public schools as hereinafter provided.

(b) Any person having a certificate to teach in this state and who is deemed by this department to be a suitable person for teaching, shall on written application be entitled to enroll with the superintendent of public instruction under such regulations as he may prescribe.

(c) Upon request he shall furnish information to boards of education, superintendents, principals, and other proper authorities of public schools, desiring to employ teachers, and under such regulations as he may prescribe, furnish teachers enrolled with the information relative to vacancies in public schools; but no person connected with the office of the superintendent of public instruction shall be held responsible or be understood to vouch for the fitness or success of any teacher who may secure a position through the agencies herein provided.

(d) The superintendent of public instruction may employ such additional clerical help as may be necessary to carry out the provisions of this act, and shall make and publish the necessary rules and regulations for carrying out said provisions, and for obtaining information as to the experience, qualifications and character of persons enrolled or seeking enrollment.

(e) There is hereby appropriated from any funds in the state treasury not otherwise appropriated, the sum of two thousand five hundred dollars ($2,500.00) annually, for the purpose of carrying out the provisions of this act. [38 G. A., ch. 298, 35 G. A., ch. 103.]

In effect by publication April 29, 1919.

Sec. 2627-d. **Office—records—clerks—supplies.** The superintendent of public instruction shall have an office in the capitol. He shall file and preserve all reports, documents and correspondence that may be of permanent value, which shall be open to inspection under reasonable conditions, by any citizen of the state. He shall keep a record of the business transacted by him, and shall turn over to his successor all records, papers, reports, documents, books and other state property pertaining to his office. He shall be furnished by the executive council with sufficient office room and clerical and stenographic help, and with all necessary books, blanks, stationery, printing, postage and

office supplies, and with the reports of the supreme court of the state. [35 G. A., ch. 103, § 4.]

Sec. 2627-e. **School laws—publication.** He shall every four years, if deemed necessary, cause to be printed in book form all school laws then in force, with such forms, rulings and decisions, and such notes and suggestions as may aid school officers in the proper discharge of their duties; a sufficient number of copies shall be sent to the county superintendent of each county to supply the school officers, directors, and superintendents therein. He may cause to pe printed in pamphlet form after each session of the general assembly, any amendments or changes in the school laws with necessary notes and suggestions, which shall be distributed as above provided. [35 G. A., ch. 103, § 5.]

Sec. 2627-f. **Reports of funds or school property—delinquency.** He may require from time to time reports under oath from all officers and persons who have any authority over, or who have any duties in connection with, public school affairs, or who have, or who have lately had, the custody or control of any public school funds or property. He shall furnish the proper blanks for such reports, and any such officer or person who unreasonably neglects or refuses to make a report required by the superintendent of public instruction shall be deemed guilty of a misdemeanor. [35 G. A., ch. 103, § 6.]

Sec. 2627-g. **Deputy—chief clerk—inspectors.** He may appoint a deputy whose appointment must be approved by the governor of the state. The qualifications of the deputy shall be the same as required by section two of this act. The deputy shall qualify in like manner as his principal and, in the absence or inability of the superintendent, shall perform the duties of the office. He shall also appoint a chief clerk and such regular inspectors of the public schools of the state, including rural, graded and high schools, as he may deem necessary, not exceeding three. [35 G. A., ch. 103, § 7.]

Sec. 2627-h. **Salaries—expenses.** From and after the taking effect of this act the salary of the superintendent of public instruction shall be four thousand dollars per annum; the salary of his deputy shall be twenty-five hundred dollars per annum; the salary of the regular inspectors in the department of public instruction shall be two thousand per annum each; the salary of the chief clerk shall be fifteen hundred dollars per annum, all such salaries to be paid monthly upon the warrant of the state auditor. The superintendent of public instruction and his deputy and the regular inspectors in his department shall also receive their actual necessary traveling expenses incurred in the performance of their official duties, to be allowed upon an itemized and verified account filed with and approved by the executive council and the state auditor who shall draw his

warrant on the state treasurer for the amount allowed. [35 G. A., ch. 103, § 8.]

38 G. A., S. F. 541, provided that the deputy shall receive $2,700; chief clerk, $1,800, and inspectors $2,400 for two years.

Sec. 2627-i. **Repeal.** Chapter one of title thirteen of the supplement to the code, 1907, as amended, relating to the office of public instruction is hereby repealed and all other acts and parts of acts inconsistent with the provisions of this act are hereby repealed in so far as they may be inconsistent herewith. [35 G. A., ch. 103, § 9.]

BOARD OF EDUCATIONAL EXAMINERS.

Sec. 2628. **Members.** The educational board of examiners shall consist of the superintendent of public instruction, president of the university, president of the Iowa State Teachers College, president of the Iowa State College of Agriculture and Mechanic Arts; and two persons to be appointed by the governor, one of whom shall be a woman, the appointees to hold office for a term of four years and be ineligible as his or her successor, the superintendent of public instruction to be by virtue of his office president of the board. [37 G. A., ch. 340; 19 G. A., ch. 167, § 1.]

Sec. 2629. **Meetings—examinations.** The board shall meet for the transactions of business at such times and places as the president may direct, and shall annually hold at least two public examinations of teachers, to be conducted by a member or the secretary of the board or by such qualified person or persons as the board may select. All examinations shall be conducted in accordance with rules and regulations adopted by the board, not inconsistent with the laws of the state, and a record shall be kept of all of its proceedings. It may issue state certificates and state diplomas to such teachers as are found upon examination to possess a good moral character, thorough scholarship and knowledge of didactics, with successful experience in teaching, or with such other training and qualifications as the board may require, or to those possessing satisfactory qualifications by reason of training and teaching experience of not less than fifteen years as the board in its discretion may determine. The examination for certificates and diplomas shall cover orthography, reading, writing, arithmetic, geography, English grammar, bookkeeping, physiology, history of the United States, algebra, botany, natural philosophy, drawing, civil government, constitution and laws of the state, and didactics; those for diplomas, in addition to the foregoing, geometry, trigonometry, chemistry, zoology, geology, astronomy, political economy, rhetoric, English literature, general history, and such other studies as the board may require. [38 G. A., ch. 280; 32 G. A., ch. 6, § 2; 29 G. A., ch. 114, § 1; 28 G. A., ch. 95, § 1; 19 G. A., ch. 167, §§ 2-4.]

In effect by publication April 25, 1919.

Sec. 2630-b. **Special certificates.** The educational board of examiners may issue a special certificate to any teacher of music, drawing, penmanship, or other special branches, or to any primary teacher, of sufficient experience, who shall pass such examination as the board may require in the branches, and methods pertaining thereto, for which the certificate is sought. Such certificates shall be designated by the name of the branch and shall not be valid for any other department or branch. The board shall keep a complete register of all persons to whom certificates or diplomas are issued. [28 G. A., ch. 96, § 2; 23 G. A., ch. 22.]

Sec. 2630-c. **Validation authorized.** The state educational board of examiners is hereby empowered to validate certificates issued by state departments of education in other states, where such certificates were issued upon evidence of scholarship and experience equivalent to that required for like certificates under the laws of this state. Such validated certificate shall authorize the holder to teach in any public school in the state for five years after date of such validation. [34 G. A., ch. 130, § 1; 32 G. A., ch. 149.]

Sec. 2631. **How long valid—revocation—fees.** A state certificate shall authorize the holder to teach in any public school in the state for five years thereafter, and a diploma shall confer such authority for life; but any certificate or diploma may be revoked by the board for sufficient cause, or such cause as would, if known at the time, have prevented issuance thereof, provided the holder of such certificate or diploma shall have due notice, and shall be allowed to be present and make his defense. For each certificate issued the applicant shall pay two dollars, and for each diploma five dollars, which may be required before the examination is commenced. All moneys obtained from this source shall be paid into the state treasury. [32 G. A., ch. 6, § 3; 19 G. A., ch. 167, §§ 5, 6.]

Sec. 2633. **Account of moneys.** The board shall keep an accurate and detailed account of all moneys received and expended, which, with a list of those receiving certificates or diplomas, shall be published by the superintendent of public instruction in his annual report. [19 G. A., ch. 167, § 9.]

Sec. 2634-a. **Compensation—secretary—employes—salaries.** "Each member of the board shall receive for the time actually employed in such service, his actual necessary expenses, and those not salaried officers or employes of the state or any institution thereof shall be paid in addition, four dollars per day. The board shall have power to employ a secretary and prescribe his duties. He shall receive a salary not exceeding one hundred and fifty dollars per month and actual necessary expenses while engaged in the performance of his duties at places other than the capitol. The board shall have power to employ such persons as

are necessary to assist in examinations and in reading answer papers and for clerical work and other necessary assistance. Persons so employed shall receive not to exceed fifty cents per hour for the time actually employed and actual traveling expenses to and from the place where their services are required. All expenditures authorized to be made under the provisions of chapter two of title thirteen of the code and of the supplement to the code [1902] and amendments thereto and under the provisions of chapter one hundred twenty-two, acts of the thirty-first general assembly, and under the provisions of this act shall be certified by the chairman of the educational board of examiners to the executive council for payment. If found correct the executive council shall cause same to be paid from any funds paid into the state treasury under the provisions of section twenty-six hundred thirty-one of the code and chapter one hundred twenty-two, acts of the thirty-first general assembly, and amendments thereto." [38 G. A., ch. 272; 36 G. A., ch. 320; 32 G. A., ch. 6, § 4; 27 G. A., ch. 73, § 1; 25 G. A., ch. 36; 19 G. A., ch. 167, § 8.]

In operation by publication April 26, 1919.

Sec. **2634-a1. Printing.** This act shall be construed as giving legal authority to the educational board of examiners to obtain all the necessary printing for the performance of their duties, as required by law, in the same manner as the printing is provided for state officers. [32 G. A., ch. 6, § 5.]

NORMAL TRAINING IN HIGH SCHOOLS.

Sec. **2634-b1. Training of teachers for rural schools—normal courses in certain high schools.** That section two of chapter one hundred thirty-one of the acts of the thirty-fourth general assembly be and the same is hereby repealed and the following enacted in lieu thereof:

For the purpose of increasing the facilities for training teachers for the rural schools, by requiring a review of such common branches as may be deemed essential by the superintendent of public instruction and for instruction in elementary pedagogy and the art of teaching elementary agriculture and home economics, provision is hereby made for normal courses of study and training in such four-year high schools as the superintendent of public instruction may designate; provided that such high schools shall be selected and distributed with regard to their usefulness in supplying trained teachers for the rural schools of all portions of the state, and with regard to the number of teachers required for rural schools in each portion of the state. It is further provided that where a township high school or a consolidated school organized in accordance with the provisions of chapter one hundred forty-three of the acts of the thirty-fourth general assembly can meet the requirements of the superintendent of public instruction, it shall be given preference over a city high school. [35 G. A., ch. 242, § 1; 34 G. A., ch. 131, § 2.]

Sec. 2634-b2. **Private and denominational schools.** Private and denominational schools are eligible to the provisions of this act, except as to receiving state aid. [34 G. A., ch. 131, § 3.]

Sec. 2634-b3. **State aid—reports—limitations.** That section four of chapter one hundred thirty-one of the acts of the thirty-fourth general assembly be and the same is hereby repealed and the following enacted in lieu thereof:

Each high school approved under the provisions of this act shall receive state aid to the amount of seven hundred fifty dollars per annum, payable in two equal installments at the close of each semester as hereinafter provided. The superintendent of each approved training school shall at the close of each semester file such report with the superintendent of public instruction as said officer may require. Upon receipt of a satisfactory report, the superintendent of public instruction shall issue a requisition upon the auditor of state for the amount due the school corporation of said high school for said semester, whereupon the auditor of state shall draw a warrant on the state treasury payable to said school corporation for the amount of said requisition and forward the same to the secretary of said school corporation. No high schools shall be approved as entitled to state aid unless a class of ten or more shall have been organized, maintained and instructed during the preceding semester in accordance with the provisions of this act and the regulations of the superintendent of public instruction. [35 G. A., ch. 242, § 2; 34 G. A., ch. 131, § 4.]

Sec. 2634-b4. **Inspector—salary—expenses.** The appropriation provided by this act for instruction of pupils in high schools in the science and practice of rural school teaching and the teaching of elementary agriculture and home economics, may be expended in part for inspection and supervision of such instruction by the superintendent of public instruction and by such person as he may designate, and the expense of such inspection and supervision shall be paid out of said appropriation on vouchers certified by the superintendent of public instruction. In accordance with the foregoing provisions of this section, the superintendent of public instruction is authorized to appoint an inspector of normal training in high schools and private and denominational schools at a salary of not to exceed two thousand dollars per year and necessary traveling expenses while in the discharge of his duties. [34 G. A., ch. 131, § 5.]

38 G. A., S. F. 541, provided a salary of $2,400 to inspectors.

Sec. 2634-b5. **Admission—course of instruction rules—requirements for graduation.** The superintendent of public instruction shall prescribe the conditions of admission to the normal training classes, the course of instruction, the rules and regulations under which such instruction shall be given and the require-

ments for graduation subject to the provisions of this act. [34 G. A., ch. 131, § 6.]

Sec. 2634-b6. **Examination for graduation—failure in certain branches—fee.** That the law as the same appears in section twenty-six hundred thirty-four-b six, supplement to the code, 1913, be and the same is hereby repealed and the following enacted in lieu thereof:

"On the third Friday in January and the Wednesday and Thursday immediately preceding and on the third Friday in May and the Wednesday and Thursday immediately preceding, each year, in each high school, private and denominational school approved under this act, an examination for graduation from the normal course shall be conducted under such rules as the state board of examiners shall prescribe, but the county superintendent of the county in which an approved high school may be located shall be designated as the conductor of said examination. Candidates for a certificate of graduation from the normal course failing in the examination in one or more subjects, may be permitted to enter the above examinations or the regular July teachers' examination under such regulations as the superintendent of public instruction shall prescribe.

Each applicant for a certificate of graduation from the normal course in a county shall pay a fee of one dollar which shall entitle him to one examination in each subject required, provided however that applicants rewriting the examination in one or more subjects at the July teachers' examination as herein provided shall pay an additional fee of one dollar. One-half of the fees from the normal training examinations shall be paid into the state treasury on or before the first day of the succeeding month, and the remaining one-half shall be paid into the county institute fund of the county wherein the examination is held." [37 G. A., ch. 37; 36 G. A., ch. 100, § 1; 34 G. A., ch. 131, § 7.]

Sec. 2634-b7. **Certificate—license to teach—renewal.** A certificate of graduation from the normal training course provided for in this act shall be issued by the superintendent of public instruction, and shall be a valid license to teach in any public school in the state for a term of two years, subject to registration as provided for other teachers' certificates. At the expiration of said certificate the superintendent of public instruction is authorized to renew it for a period of three years under the same conditions that apply to the renewal of the first grade uniform county certificates. [35 G. A., ch. 242, § 4; 34 G. A., ch. 131, § 8.]

Sec. 2634-b8. **Appropriation.** That section nine of chapter one hundred thirty-one of the acts of the thirty-fourth general assembly be and the same is hereby repealed and the following enacted in lieu thereof:

For the purpose of carrying out the provisions of this act, there is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of one hundred thousand dollars, available for the period ending June thirtieth, nineteen hundred fourteen, and the sum of one hundred fifty thousand dollars annually thereafter. [38 G. A., ch. 230; 35 G. A., ch. 242, § 3; 34 G. A., ch. 131, § 9.]

Sec. 2634-e. **Record of students—sworn statement.** At the close of each school year, the principal or superintendent of each accredited school shall file with the board of examiners a sworn statement, showing the name, age, post-office address, studies and attendance of each of the students in his school taking the prescribed teachers' course. [29 G. A., ch. 115 § 4.]

CERTIFICATION.

Sec. 2634-f. **Graduates from accredited colleges.** That the state educational board of examiners may accept graduation from the regular and collegiate courses in the state university, state teachers college, state normal schools, and the state college of agriculture and mechanic arts, and from other institutions of higher learning in the state having regular and collegiate courses of equal rank, as evidence that a teacher possesses the scholarship and professional fitness for a state certificate. [35 G. A., ch. 226, § 1; 32 G. A., ch. 148, § 1.]

Sec. 2634-f1. **Graduates of accredited colleges—other states—same recognition.** Graduates of colleges and schools located in other states than Iowa, having regular and collegiate courses of equal rank with the accredited colleges and schools of Iowa, may be given the same recognition as provided in section one of this act, provided they file with the board of educational examiners evidence of at least two years' successful experience as a teacher, principal or superintendent of schools. [35 G. A., ch. 226, § 2.]

Sec. 2634-g. **State certificates granted.** That in all cases where such graduation shows the extent and quality of scholarship that is required by section twenty-six hundred twenty-nine of the supplement to the code, [1902] and when the teacher possesses a good moral character and satisfies the board of being professionally qualified, there shall be granted by the said board of examiners a state certificate valid for five years to teach in any public school in the state. [32 G. A., ch. 148, § 2.]

Sec. 2634-h. **Renewal.** All certificates referred to in section twenty-six hundred twenty-nine (2629), twenty-six hundred thirty-b (2630-b), twenty-six hundred thirty-c (2630-c), twenty-six hundred thirty-four-d (2634-d), twenty-six hundred thirty-four-f (2634-f), and twenty-six hundred thirty-four-g (2634-g), of the supplement to the code, 1907, shall be renewed for life by the state board of educational examiners upon the payment of a

fee of five dollars ($5.00) and proof of at least five years' successful teaching, three of which shall have been during the time the said certificate (with renewals) has been in force. [34 G. A., ch. 130, § 3; 32 G. A., ch. 148, § 3.]

Sec. 2634-h1. **Conditions for renewal under certain sections—fee.** All certificates referred to in sections twenty-seven hundred thirty-four-d and twenty-seven hundred thirty-four-e of the supplement to the code, 1907, in section twenty-seven hundred thirty-four-g of the supplement to the code, 1907, as amended by chapter one hundred eighty-one of the acts of the thirty-third general assembly and by section five of this act, and in section six of this act, shall be renewed for life by the state board of educational examiners upon compliance by the holder with the following conditions:

1. The applicant shall show by testimonials from county or city superintendents or from the principals having immediate supervision of his school work and from a member of the local school board that he has had at least five years' continuous successful teaching experience (which may have been before or after the passage of this act), at least three of which shall have been immediately prior to the time validation is sought and under the grade of certificate for which such validation is desired;

2. The standing of such applicant in the several branches shown upon his certificate shall average not less than eighty-five per cent. and in no branch shall the per cent. be less than eighty per cent., provided that in case the standing is less than the per cent. required, either average or special, the holder of the certificate may, at any of the times provided in section twenty-seven hundred thirty-four-c of the supplement to the code, 1907, take an examination in any branch or branches he may desire and the per cent. then received shall be entered upon his certificate;

3. The applicant shall furnish proof of professional study during the entire five-year period such as is made necessary in the case of term renewals of certificates.

Upon the issue of a life certificate as herein contemplated, the applicant shall pay a fee of five dollars to be turned into the state treasury. [34 G. A., ch. 130, § 7.]

Sec. 2634-h2. **Lapse of certificate.** All life certificates provided for in this act shall lapse provided the holder shall not teach during a period of five successive years. [34 G. A., ch. 130, § 10.]

Sec. 2634-h3. **Acts in conflict repealed.** All acts and parts of acts inconsistent with the provisions hereof are hereby repealed. [34 G. A., ch. 130, § 13.]

FREE TUITION.

Sec. 2733-a1. **Attendance at schools outside home district—tuition.**

Section 1. That the law as it appears in section 2733-a1 supplemental supplement to the code, 1915, be and the same is hereby repealed and the following is enacted in lieu thereof: Any person of school age who is a resident of a school corporation which does not offer a four-year high school course and who has completed the course as approved by the department of public instruction for such corporation shall be permitted to attend any public high school or county high school in the state approved in like manner that will receive him. Any person applying for admission to any high school under the provisions of this act shall present the officials of said high school the affidavit of his or her father, mother, guardian, or if he have neither, his next friend that such applicant is entitled to attend the public school and a resident of a school district of this state, specifying the district. He shall also present a certificate signed by the county superintendent showing proficiency in the common school branches, reading, orthography, arithmetic, physiology, grammar, civics of Iowa, geography, United States history, penmanship and music. The school corporation in which such student resides shall pay to the secretary of the corporation in which such student shall be permitted to enter a tuition fee of eight dollars ($8.00) per month, but in districts in which there is a city of the first class a tuition fee of eight dollars ($8.00) per month may be charged, in the high school department in the latter corporation during the time he so attends, not exceeding, however, a total period of four school years; provided that such tuition shall in no case exceed the average cost of said tuition in such high school; such payment to be made out of the general fund of the debtor corporation and such tuition fee as collected by the secretary shall be turned over by him with an itemized statement, to the treasurer of the school funds on or before February fifteenth and June fifteenth of each year. If payment is refused or neglected the board of the creditor corporation shall file with the auditor of the county of the pupil's residence a statement certified byits president specifying the amount due for tuition and for contingent expenses respectively, and the time for which the same is claimed; and the auditor shall transmit to the county treasurer an order directing such treasurer to transfer the amount of such account from the debtor corporation to the creditor corpoation, and the treasurer shall pay the same in accordance therewith. No school corporation situated in a county maintaining a county high school shall be required to pay the tuition of pupils at any high school other than such county high school, but this shall not apply to pupils who, while residing at home, attend some high school other than that of the school corporation in which they reside; and the tuition to be paid by

school corporations in such county shall be three and one-half dollars ($3.50) per pupil per month, provided that, in counties having a high school where a child resides at home and attends a high school outside the district of his residence other than the county high school, and the school corporation where the child resides pays the tuition for such child, and at the end of the school year it is found that less pupils have attended the county high school from the district where such child resides than was entitled to attend under the county high school apportionment, then and in that case the school corporation where such child resides shall be entitled to be reimbursed from the county high school funds for the tuition so paid, not exceeding in the aggregate an amount equal to the taxes contributed by such district to said county high school funds for the tax year preceding, fair and equitable credit being given to the county high school fund for pupils actually attending said county high school during said school year from the district where said child resides. The county superintendent shall, on being applied to for such purpose, determine in writing the amount due such corporation from the county high school fund, and furnish such corporation with a copy of such finding. Within twenty days thereafter such corporation may appeal to the district court from such finding by serving written notice on the county superintendent of the taking of such appeal. On the service of said notice the county superintendent shall file a copy of his finding in the office of the clerk of the district court and the clerk shall docket the cause without fee. The matter shall be tried on appeal as in equity and without formal pleading. The decision of the district court shall be final. The treasurer shall, upon the filing with him of any final decision, immediately transfer from the county high school funds to the credit of the corporation entitled to the same the amount directed to be transferred.

Sec. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Des Moines Register, a newspaper published in Des Moines, Iowa, and the Council Bluffs Nonpareil, a newspaper published in Council Bluffs, Iowa. [38 G. A., ch. 72; 37 G. A., ch. 156; 36 G. A., ch. 234, § 2; 35 G. A., ch. 239; § 1; 35 G. A., ch. 240, § 1; 34 G. A., ch. 146, §§ 1-4.]

Amendment of 38th G. A. in operation April 21, 1919.

THE COUNTY SUPERINTENDENT.

Sec. 2734-a. **Repeal.** There is hereby repealed sections twenty-six hundred thirty-two, twenty-seven hundred thirty-four, twenty-seven hundred thirty-five, twenty-seven hundred thirty-six, twenty-seven hundred thirty-seven of the code, and sections twenty-seven hundred thirty-four, twenty-seven hundred thirty-

six, twenty-seven hundred thirty-seven of the supplement to the code, [1902] and the following enacted in lieu thereof: [31 G. A., ch. 122, § 1.]

Sec. **2734-b. Qualifications—powers and duties—deputy.** That the law as it appears in section twenty-seven hundred thirty-four-b, supplement to the code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof:

The county superintendent, who may be of either sex, shall be the holder of a regular five-year state certificate or a life diploma, and shall have had at least five years' experience in teaching or superintending, but this provision as to experience shall not apply until September first, nineteen hundred eighteen, provided that any county superintendent of schools now serving shall be deemed eligible to reappointment or re-election under this act. The county superintendent shall, under the direction of the superintendent of public instruction, serve as the organ of communication between the department of public instruction and the various officers and instructors in his county, and shall transmit or deliver to them all books, pamphlets, circulars or communications designed for them. He shall visit the different schools in his county at least once during the school year and also when requested by a majority of the directors of any school corporation. He shall also, at the request of the superintendent of public instruction, visit and report upon such schools as may be designated. He may appoint a deputy with the approval of the board of supervisors entered of record for whose acts he shall be responsible and who may act in his stead except in visiting schools and trying appeals, the salary of such deputy to be fixed by the board of supervisors, but the said salary shall not be less than seven hundred fifty dollars. He shall, on the first Monday of each month, file with the county auditor an itemized and verified statement of his actual and necessary expenses incurred during the previous month in the performance of his official duties within his county, and such expenses shall be paid by the county board of supervisors out of the county fund, but the total amount so paid for any one year for such purposes shall not exceed the sum of four hundred dollars. [38 G. A., ch. 303; 36 G. A., ch. 129; §§ 1, 2; 35 G. A., ch. 107, § 3; 31 G. A., ch. 122, § 2; 27 G. A., ch. 85, § 1; 16 G. A., ch. 136, § 2; C. '73, §§ 1765, 1770; R. § 2069.]

In effect by publication April 26, 1919.

Sec. **2734-b1. Term—vacancy.** The term of office of the county superintendent of schools shall be for three years and until his successor is elected and qualified and such term shall begin on the first secular day of September after his election; and the terms of county superintendents now in office are hereby extended until the first day of September, nineteen hundred fifteen, and until their successors are elected and qualified. Should a vacancy in such office occur, by death, removal, resignation, or

otherwise, the county auditor shall at once call a special meeting for the purpose of filling such vacancy. [35 G. A., ch. 107, § 4.]

Sec. 2734-b2. **Acts in conflict repealed.** All acts or parts of acts in conflict herewith are, so far as in conflict, hereby repealed. [35 G. A., ch. 107. § 5.]

CERTIFICATION OF TEACHERS.

Sec. 2734-c. **Examinations.** On the last Friday, and Wednesday and Thursday preceding, in the months of January, June, July and October, the county superintendent shall meet and, with such assistants as may be necessary, examine all applicants for a teacher's certificate. Such examinations shall be held at the county seat, in a suitable room which shall be provided for that purpose by the board of supervisors; but the county superintendent may at his discretion cause to be held at the time of any regular examination an additional examination at some other place in the county. The questions used in such examinations shall be furnished by the educational board of examiners, who shall cause the same to be printed, and the examinations shall be conducted strictly under rules prescribed by the board.

On the last Friday of August and the Wednesday and Thursday preceding, the county superintendent of each county shall conduct an additional examination to which only such persons as file certificates of attendance during the summer immediately preceding at a summer school approved for the twelve weeks of normal training provided for in section twenty-seven hundred thirty-four-p, supplement to the code, 1913, shall be admitted.

This examination shall be under the same regulations as to preparation of questions, grading of papers, granting of certificates as the four examinations provided for in the first part of this section. [36 G. A., ch. 291, §1; 31 G. A., ch. 122, §3; 19 G. A., ch. 161, § 2; 17 G. A., ch. 143, C. '73, §§ 1766, 1768, 1774; R., §§ 2066, 2068, 2073; C. '51, § 1148.]

Sec. 2734-d. **First grade certificates—subjects.** The examination for the first grade certificate shall include competency in and ability to teach orthography, reading, writing, arithmetic, geography, grammar, history of the United States, didactics, elementary civics, elementary algebra, elementary economics, elementary physics, elements of vocal music, physiology and hygiene, which in each division of the subject shall include special reference to the effects of alcohol, stimulants and narcotics upon the human system. [31 G. A., ch. 122, § 4.]

Sec. 2724-e. **Special certificates.** A special certificate may be issued for any subject, or any group of subjects, taught in the public schools of Iowa, upon examination in such special subject or group of subjects and per cents therein such as are required for

the issue of a first grade county certificate. A special certificate shall be issued for a term of three years and shall be renewable under the same conditions as apply to the renewal of first grade certificates. It shall state the names of the subject for which it is issued, and shall not be valid for the teaching of any other subjects. [34 G. A., ch. 130, § 4; 31 G. A., ch. 122, § 5.]

Sec. 2734-f. **Record of examinations.** A record shall be kept by the county superintendent of all examinations taken within his county, with the name, age and residence of each applicant, and the date of the examination. [31 G. A., ch. 122, § 6.]

Sec. 2734-g. **First grade certificates—renewal.** Applicants who have taught successfully for at least thirty-six weeks, and whose examination entitles them to the first grade certificate, shall receive the same for a term of three years from the date thereof, and such certificate shall be renewable without examination, provided the applicants shall show by testimonials from superintendents or principals who had immediate supervision of their professional study that at least one line of professional inquiry has been successfully conducted during the life of the certificate, it being made the duty of the board to forward with each certificate subject to renewal, outlines setting forth various lines of professional study. It is provided further that each application for renewal shall be accompanied by such proof of successful experience and professional spirit as the educational board of examiners may require. [34 G. A., ch. 130, § 5; 33 G. A., ch. 181, § 1; 31 G. A., ch. 122, §7; 27 G. A., ch. 86; § 2; 26 G. A., ch. 39; 21 G. A.., ch. 1, §3; C. '73, §§ 1767, 1771; R., §§ 2067, 2070.]

Sec. 2734-h. **Second grade certificates—renewal.** Applicants whose examination entitles them to second grade certificates only, shall receive the same for not to exceed two years with the privilege of renewal of the same without further examination under the same conditions as govern the renewal of first grade certificates. The holder of a second grade certificate, may at any of the examinations provided for in section twenty-seven hundred thirty-four-c (2734-c) of the supplement to the code, 1907, take an examination in any one or more of the additional branches, required for the issue of a first grade certificate, or he may at any such time be re-examined in any branch or branches in which he desires to raise his grade, and in each case the new per cent shall be placed on his certificate, and when he has thus successfully passed in all the branches required for the issue of a first grade certificate, such certificate shall then be issued to him, provided he has had at least thirty-six weeks' successful experience in teaching; if not, then at the conclusion of such experience. In like manner third grade certificates may be changed into those of the second or first grade, and in all cases whether the certificate be of the first second or third grade, credit shall be given for all examinations

taken under the auspices of the board, it being the intention of the law that an examination once taken shall be final unless the certificate holder desires to be re-examined in any one or more branches with a view of raising his per cent in such branches or his general average. [34 G. A., ch. 130, § 6; 33 G. A., ch. 181, § 2; 31 G. A., ch. 122, § 8.]

Sec. 2734-i. **Third grade certificates.** Applicants whose examination entitles them to a third grade certificate only, shall receive the same for one year, at the end of which time upon proof of successful teaching and the paymentof a fee of one dollar ($1.00), one renewal shall be granted. [34 G. A., ch. 130, § 8; 31 G. A., ch. 122, § 9.]

Sec. 2734-j. **Applicants without experience.** Applicants who have had no experience in teaching, but whose examination entitles them to the first grade, shall receive a second grade certificate for two years, provided that when they have taught successfully under such certificate for not less than thirty-six weeks, they shall be entitled to receive a first grade certificate on the condition herein provided for a renewal of a certificate. [31 G. A., ch. 122, § 10.]

Sec. 2734-k **County certificates—renewal—conditions.** That section twenty-seven hundred thirty-four-k (2734-k) of the supplement to the code, 1907, is hereby repealed. [34 G. A., ch. 130, § 9; 31 G. A., ch. 122, § 11.]

Sec. 2734-l. **Qualifications of applicants.** Before admitting any one to the examination, the county superintendent must be satisfied that the person seeking a certificate is of good moral character, of which fact he may require proof, and is in all respects other than in scholarship possessed of the necessary qualifications as an instructor. [31 G. A., ch. 122, § 12; 27 G. A., ch. 86, § 2; 26 G. A., ch. 39; 21 G. A., ch. 1, §3; C. '73, §§ 1767, 1771; R., §§ 2067, 2070.]

Sec. 2734-m. **Examination papers graded—certificates issued.** As soon as the examination is completed the county superintendent shall forward to the superintendent of public instruction, a list of all applicants examined, with the standings of each in didactics and oral reading, and his estimate of each applicant's personality and general fitness, other than scholarship, for the work of teaching. He shall at the same time forward to the superintendent of public instruction the answer papers written, with the exception of those in didactics. Under the supervision of the educational board of examiners, the papers shall be graded and the scholastic qualifications determined. The result of such examination of persons who pass the same shall be entered upon a certificate provided by such board, and shall be transmitted to the county superintendent of the county in which the person entitled thereto resides. [31 G. A., ch. 122, § 13.]

Sec. 2734-n **Readers—Clerical help—compensation.** Immediately following each examination authorized by this act, the board of examiners shall call to their assistance a sufficient number of competent readers previously selected by the board, ten of whom shall be county superintendents. The county superintendents so chosen shall be known as head readers and shall also constitute a review board in cases of doubt. They shall also make a list of applicants from each county, nearest the passing mark for a third grade certificate. The head readers shall receive necessary traveling expenses only. All other readers shall receive actual traveling expenses to and from the capitol and not to exceed fifty cents an hour for time actually employed in reading and marking answer papers. Such additional clerical help as may be required may be employed by the board at not to exceed thirty cents per hour for time actually employed. [31 G. A., ch. 122, § 14.]

Sec. 2734-o. **Expenditures certified and paid.** All expenditures authorized by this act shall be certified by the superintendent of public instruction to the executive council, who shall cause the auditor of the state to draw warrants therefor upon the treasurer of state, but not to exceed the fees paid into the treasury under the provisions of this act. [31 G. A., ch. 122, § 15.]

Sec. 2734-p. **Qualifications of applicants fee.** Each applicant for a certificate shall pay a fee of one dollar ($1.00), one-half of which shall be paid into the state treasury on or before the first day of the succeeding month, and one-half shall be paid into the county institute fund. Provided, however, that all applicants for teachers' certificates shall have had, before receiving a certificate to teach, at least twelve weeks of normal training and shall furnish a certificate from the institution where such training has been received, which certificate shall have printed thereon the subjects taken and the standing in each subject; but the examination in all subjects other than didactics may be taken at any regular examination prior to, or after, the term of nomal training has been taken; the examination shall not be complete until the normal training has been certified as herein provided.

It is further provided that this act shall not apply to the regular graduates of the State University, State Teachers' College, State College of Agriculture and Mechanic Arts, any accredited college of the state, or any other school of like character outside the state.

It is further provided that, in the case of graduates of four year courses in approved or accredited high schools, the grades made in didactics in an approved normal training course in any of the institutions mentioned in this section may be accepted by the state board of educational examiners and by the county superintendent in lieu of the examination in didactics.

Sec. 2. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the

Des Moines Register and the Des Moines Capital both published in the city of Des Moines, Iowa. [38 G. A., ch. 156; 35 G. A., ch. 243, § 1; 31 G. A., ch. 122, § 2.]

Sec. 2734-p1. **Experience as qualification.** The provision of this act shall in no way bar any teacher who can furnish evidence of at least six months' successful teaching experience, provided such experience is not obtained on a provisional certificate. [38 G. A., ch. 408; 35 G. A., ch. 243, § 2.]

Sec. 2734-q. **Registration.** No person shall teach in any public school in this state whose certificate has not been registered with the county superintendent of the county in which such school is located. [34 G. A., ch. 130; 31 G. A., ch. 122, § 17.]

Sec. 2734-r. **Third grade certificates when not registered.** In case a sufficient number of life diplomas, state certificates, first grade certificates, special certificates and second grade certificates are held in any county to supply the schools thereof it shall not be incumbent on the county superintendent to register third grade certificates. [31 G. A., ch. 122, § 18.]

Sec. 2734-s. **Special examination—provisional certificates.** When a sufficient number of licensed teachers cannot be secured to fill the schools of any county, the board of examiners may, upon the request of the county superintendent, appoint a special examination for such county to be conducted in all respects as a regular examination and the answer papers to be forwarded to the president of the board as required in regular examinations, and thereupon provisional certificates may be issued by the educational board of examiners, provided that the provisional certificate shall be valid for the balance of the school year in which issued. [38 G. A., ch. 408; 31 G. A., ch. 122, § 19.]

Sec. 2734-t. **Certificates—where valid—revocations.** All certificates provided for in this act shall be valid in any county within the state, when registered in such county, but a provisional certificate shall be valid, upon registration, only in the county in which it is issued and shall be issued for the same time and subject to the same extension as a third grade certificate, but no person shall be entitled to receive more than one provisional certificate, except upon the approval of the county superintendent. Any certificate or diploma issued by the board may be revoked for any cause which would have authorized or required a refusal to grant the same, or in case the holder thereof violates any of the provisions of this act. [31 G. A., ch. 122, § 20.]

Sec. 2734-u. **Revocation of certificate—charges—trial—appeal.** When in the judgment of the county superintendent there is probable cause for the revocation of a certificate or diploma held by any teacher employed in his county, or when charges are preferred, supported by affidavits charging incompetency, immor-

ality, intemperance, cruelty, or general neglect of the business of the school, the county superintendent shall within ten days transmit to such person a written statement of the charges preferred and set the time and place for the hearing of the same, at which trial the teacher shall be privileged to be present and make defense. If in the judgment of the county superintendent there is sufficient grounds for the revocation of the certificate or diploma, he shall at once issue in duplicate an order revoking the certificate or diploma, and the same shall become operative, and of full force and effect ten days after the date of its issue, one copy of the order to be mailed to the holder of the certificate and the other to be mailed to the superintendent of public instruction. Provided that the person aggrieved by such order shall have the right to appeal to the superintendent of public instruction within ten days from the date of such mailing and in case of appeal the revocation shall not be effective until the same is affirmed, after full hearing, by the superintendent of public instruction. Provided further, that in the case of life diplomas or state certificates of whatever class, the revocation shall not be effective until affirmed by the educational board of examiners after full review by said board. [31 G. A., ch. 122, § 21.]

Sec. 2734-v. **List of persons holding certificates and attending normal institutes.** The county superintendent shall annually, on the first Monday of September, file with the president of the educational board of examiners a list of all persons who for the preceding year have held certificates and have attended the normal institute, with the number of days' attendance of each. A similar report of summer school attendance shall be secured by the president of the board. In any subsequent examination or renewal the board may give such credit for institute or summer school attendance as it may determine, any rule adopted to apply equally to all similar cases. [31 G. A., ch. 122, § 22.]

COUNTY TEACHERS' INSTITUTES.

Sec. 2738. **Normal institutes—adjournment of schools—attendance — lectures — funds — reports — summer schools—fees.** That the law as it appears in section twenty-seven hundred thirty-eight, supplement to the code, 1907, as amended by chapter one hundred thirty of the acts of the thirty-fourth general assembly, be and the same is hereby repealed and the following enacted in lieu thereof:

The county superintendent shall hold annually at least one, but not more than two, county teachers' institutes at such times as the schools of the county are generally in session; and shall, with the concurrence of the superintendent of public instruction, procure such assistance as may be necessary to conduct the same.

The school board of every school district except in city independent school districts where twenty-five or more teachers are

regularly employed, shall adjourn the school or schools of said district for not less than two days in each school year in order to allow teachers to attend county teachers' institutes held in the county, without loss of salary. The county superintendent shall issue a certificate of attendance to each teacher showing number of days of attendance at said institute, and any teacher failing to attend said teachers' institute two days shall forfeit his or her average daily salary for each day of non-attendance, except when excused by the county superintendent for physical disability to perform his or her duties in the school room.

In city independent districts where twenty-five or more teachers are regularly employed, the county superintendent shall cooperate with the city superintendent in arranging for educational lectures relating to the professional work of the teacher and to such matters of public education as may best meet the needs of the teachers in such districts and at such times as may be approved by the city superintendent and city board of education, in so far as the condition of the county institute fund shall permit. All arrangements concerning plans for professional teachers' meetings in said city districts shall be subject to final approval by the superintendent of public instruction. It shall be the duty of teachers in said districts to attend said lectures and the county superintendent shall issue a certificate of attendance showing number of lectures attended as provided by this act.

To defray the expenses of said teachers' institutes, in addition to the fifty dollars received annually from the state and one-half of all examination fees collected in the county, one hundred fifty dollars from the general county fund shall be available for that purpose in counties having a population of thirty thousand or less, which amount shall be appropriated by the board of supervisors of such county at their January session in each year, and in counties of over thirty thousand, two hundred dollars shall be thus appropriated for such purpose.

No part of the county teachers' institute fund received from the aforesaid sources may be used for any other purpose than to pay instructors, for special supplies needed in order to properly conduct said teachers' institutes, for janitor service, and rent for buildings in which to conduct said institute if necessary.

On the first secular day of each month, the county superintendent shall transmit to the county treasurer all moneys received for examination fees and the state appropriation for institutes, which, together with the county appropriation, shall be designated as the county teachers' institute fund; he shall also report monthly the names of all applicants for teachers' certificates to the county auditor. All disbursements of the institute fund shall be by warrants drawn by the county auditor, who shall draw said warrants upon the written order of the county superintendent, and said written order must be accompanied by an

itemized bill for services rendered or expenses incurred in connection with the institute, which bill must be signed and sworn to by the party in whose favor the order is made and must be verified by the county superintendent. All said orders and bills shall be kept on file in the auditor's office until the final settlement of the county superintendent with the board of supervisors at the close of his term of office. No warrant shall be drawn by the auditor in excess of [the] institute fund then in the county treasury. The county superintendent shall furnish to the county board of supervisors a certified itemized account of the receipts and disbursements of all moneys collected and paid out by him for teachers' institutes and summer schools, which account they shall examine, audit and publish a summary thereof with the proceedings of the regular June meeting of the board. The county superintendent shall report to the board of supervisors on the first of January annually a summary of his official financial transactions for the previous year.

County superintendents are hereby authorized by law to conduct from four to six weeks' summer school where it may be deemed advisable, for the purpose of giving teachers and prospective teachers academic instruction. A fee shall be collected from each attendant sufficient in the aggregate to meet all necessary expenses of said summer school. The fee so collected shall be paid into the county institute fund and a list of the names of all attendants shall be filed with the county auditor. Warrants for the purpose of paying instructors employed in summer schools shall be drawn by the county auditor, who shall draw said warrant upon written order of the county superintendent, and said written order must be accompanied by a certified itemized bill for services rendered or expenses incurred in connection with said summer school, but no warrant shall be issued in excess of the fees received from the summer school and deposited with the county treasurer. This act shall not take effect until July first, nineteen hundred fourteen. [35 G. A., ch. 225, § 2; 34 G. A., ch. 130, § 11; 30 G. A., ch. 113; 29 G. A., ch. 123, § 1; 27 G. A., ch. 87, § 1; 17 G. A., ch. 54; 15 G. A., ch. 57; C. '73, § 1769.]

Sec. 2739. **Reports.** The county superintendent shall annually, on the last Tuesday in August, make a report to the superintendent of public instruction, giving a full abstract of the several reports made to him by the secretaries and treasurers of school boards, stating the manner in and extent to which the requirements of the law regarding instruction in physiology and hygiene are observed, and such other matters as he may be directed by the state superintendent to include therein, or he may think important in showing the actual condition of the schools in his county. At the same time, he shall file with the county auditor a statement of the number of persons of school age in each school township, and independent district in the county. He shall also report, as provided by law, to the superintendent

of the college for the blind, the name, age, residence and postoffice address of every person, resident of the county, so blind as to be unable to acquire an education in the common schools; to the superintendent of the institution for the deaf and dumb, with the same detail, all persons of school age whose faculties in respect to hearing or speaking are so deficient as to prevent them from acquiring an education in such schools; and to the institution for the feeble-minded, all persons of like age who, because of mental defects, are entitled to admission therein. [31 G. A., ch. 136, § 1; 21 G. A., ch. 1, § 2; C. '73; §§ 1772, 1775; R., § 2071.]

Sec. 2740. **Enforcing laws.** The county superintendent shall see that all provisions of the school law, so far as it relates to the schools or school officers within his county, are observed and enforced, specially those relating to the fencing of schoolhouse grounds with barb wire, and the introduction and teaching of such divisions of physiology and hygiene as relate to the effects of alcohol, stimulants and narcotics upon the human system, and those relating to compulsory attendance of pupils within the ages prescribed therein, and those relating to the exclusive use of the English language in the schools of his county as prescribed by law; and to this end he may require the assistance of the county attorney, who shall at his request bring any action necessary to enforce the law or recover penalties incurred. [38 G. A., ch. 340; 21 G. A., ch. 1, § 2; 20 G. A., ch. 103, § 2.]

Sec. 2741. **Penalty.** Should he fail to make the report herein required of him to the superintendent of public instruction or the county auditor, he shall forfeit to the school fund of his county the sum of fifty dollars, to be recovered in an action brought by the county for the use of the school fund, and in addition shall be liable for all damages occasioned thereby. [C. '73, § 1773; R., § 2072.]

COMPENSATION.

Sec. 2742. That section twenty-seven hundred forty-two (2742), supplement to the code, 1913, be and the same is hereby repealed and the following enacted in lieu thereof:

"Each county superintendent of schools shall receive for his services the following compensation: In counties having a population of less than ten thousand (10,000), $1,600.00; in counties having a population of ten thousand (10,000) and less than twenty thousand (20,000) $1,700.00; in counties having a population of twenty thousand (20,000) and less than thirty thousand (30,000), $1,800.00; in counties having a population of thirty thousand (30,000) and less than forty thousand (40,000), $1,900.00; in counties having a population of forty thousand (40,000) and less than fifty thousand (50,000), $2,000.00; in counties have a popula-

tion of fifty thousand (50,000) or more the sum of $2,500.00; and in all cases such superintendent shall receive the expenses of necessary office stationery and postage and those incurred in attending upon meetings called by the superintendent of public instruction; claims therefor to be made by verified statements filed with the county auditor who shall draw his warrant upon the county treasurer therefor; provided, that where county superintendents are now receiving by action of the board of supervisors a sum greater than the amount fixed herein, this law shall not be construed so as to reduce said sum."

"Any increase in salaries provided for in this act shall not apply after June 30th, 1921."

The salaries of all county officials included in this act shall be paid out of the county treasurer in equal monthly installments. [38 G. A., ch. 293; 35 G. A., ch. 107, § 2; 29 G. A., ch. 124, § 1; 19 G. A., ch. 161, § 1; C., '73, § 1776; R., § 2074.]

In effect by publication April 28, 1919.

THE SYSTEM OF COMMON SCHOOLS.

Sec. 2743. **School districts—corporate powers.** Each school district now existing shall continue a body politic as a school corporation, unless hereafter changed as provided by law, and as such may sue and be sued, hold property, and exercise all the powers granted by law, and shall have exclusive jurisdiction in all school matters over the territory therein contained. [C. '73, §§ 1713, 1716; R., §§ 2022, 2026; C. '51, § 1108.]

Sec. 2744. **Names.** District townships now existing shall hereafter be called school townships, subdivision of which shall be called subdistricts. School corporations shall be designated as follows: The school township of (naming civil township), in the county of (naming county), state of Iowa; or, the independent school district of (naming city, town or village, and if there are two or more districts therein, including some appropriate name or number), in the county of (naming county), state of Iowa; or, the rural independent school district of (some appropriate name or number), township of (naming township), in the county of (naming county), state of Iowa. [27 G. A., ch. 91, § 1; C. '73, § 1716; R., § 2026; C. '51, § 1108.]

Sec. 2745-a. **Duty of boards of school directors—fence.** It shall be the duty of all boards of school directors in school districts where the schoolhouse site adjoins the cultivated or improved lands of another to build and maintain a lawful fence between said site and cultivated or improved lands. [27 G. A., ch. 88, § 1.]

Sec. 2745-b. **Rights of owner of adjoining lands.** The owner of lands adjoining any schoolhouse site shall have the right to con-

nect the fence on his lands with the fences around any schoolhouse site, but he shall not be liable to contribute to the maintenance of the fence around said site. [27 G. A., ch. 88, § 2.]

Sec. 2746. **Annual meeting of corporation.** A meeting of the voters of each school corporation shall be held annually on the second Monday in March for the transaction of the business thereof. Notice in writing of the place, day and hours during which the meeting will be in session, specifying the number of directors to be elected, and the terms thereof, and such propositions as will be submitted to and be determined by the voters, shall be posted by the secretary of the board in at least five public places in said corporation, for not less than ten days next preceding the day of the meeting. The president and secretary of the board, with one of the directors shall act as judges of the election. If any judge of election is absent at the organization of the meeting the voters present shall appoint one of their number to act in his stead. The judges of election shall issue certificates to the directors elected. [19 G. A., ch. 51; 18 G. A., ch. 7, § 1; 18 G. A., ch. 63; C. '73, §§ 1717, 1719; R., §§ 2027-8, 2031, 2033; C. '51 §§ 1111, 1114-15.]

Sec. 2747. **Electors.** To have the right to vote at a school meeting a person must have the same qualifications as for voting at a general election, and must be at the time an actual resident of the corporation or subdistrict. In any election hereafter held in any school corporation for the purpose of issuing bonds for school purposes or for increasing the tax levy, the right of any citizen to vote shall not be denied or abridged on account of sex, and women may vote at such elections the same as men, under the same restrictions and qualifications as far as applicable. [25 G. A., ch. 39.]

Sec. 2748. **Officers—qualifications.** A school officer or member of the board may be of either sex, and must at the time of election or appointment be a citizen and a resident of the corporation or subdistrict, and over twenty-one years of age, and, if a man, he must be a qualified voter of the corporation or subdistrict. [16 G. A., ch. 136.]

Sec. 2749. **Powers.** The voters assembled at the annual meeting shall have power:

1. To direct a change of text-books regularly adopted;

2. To direct the sale or make other disposition of any schoolhouse or site or other property belonging to the corporation, and the application to be made of the proceeds of such sale;

3. To determine upon added branches that shall be taught, but instruction in all branches except foreign languages shall be in English;

4. To instruct the board that school buildings may or may not be used for meetings of public interest;

5. To direct the transfer of any surplus in the schoolhouse fund to the general fund;

6. To authorize the board to obtain, at the expense of the corporation, roads for proper access to its schoolhouses;

7. To vote a schoolhouse tax, not exceeding ten mills on the dollar in any one year, for the purchase of grounds, construction of schoolhouses, the payment of debts contracted for the erection of schoolhouses, not including interest on bonds, procuring libraries for and opening roads to schoolhouses.

The board may, or, upon the written request of five voters of any rural independent district, or of ten voters of any school township, or of twenty-five voters of any city or town independent district having a population of five thousand or less, or of fifty voters of any other city or town independent district, shall, provide in the notice for the annual meeting for submitting any proposition authorized by law to the voters. All propositions shall be voted upon by ballot in substantially the following form: "Shall a change of text-books be directed?" (or other questions as the case may be); and the voter shall designate his vote by writing the word "yes" or "no" in an appropriate place on the ballot. [37 G. A., ch. 386, § 2; 21 G. A., ch. 131, § 1; 19 G. A., ch. 51; 18 G. A., ch. 63; C. '73, §§ 1717, 1807; R., §§ 2027-8, 2033; C. '51, §§ 1114, 1115.]

Sec. 2750. **Special meeting.** The board of directors may call a special meeting of the voters of any school corporation by giving notice in the same manner as for the annual meeting, which shall have the powers given to a regular meeting with reference to the sale of school property and the application to be made of the proceeds, and to vote a schoolhouse tax for the purchase of a site and the construction of a necessary schoolhouse, and for obtaining roads thereto. [28 G. A., ch. 104, § 1; 24 G. A., ch. 21; 18 G. A., ch. 84.]

Sec. 2751. **Subdistrict meeting.** The meeting of the voters of each subdistrict of a school township shall be held annually on the first Monday in March, and shall not organize earlier than nine o'clock a. m., nor adjourn before twelve o'clock m. Notice in writing of the time and place of such meeting and the amount of schoolhouse tax to be voted shall be given by its director, or if there is none by the school township secretary, by posting in three public places in the subdistrict for five days next preceding the same. The voters shall select a chairman and secretary of the meeting who shall act as judges of election, and shall also elect a director for the subdistrict by ballot. The vote shall be canvassed by the judges of election, and the person receiving the

highest vote shall be declared elected. [22 G. A., ch. 51; 18 G. A., ch. 7, § 1; C. '73, §§ 1718-19, 1789; R., §§ 2030-1; C. '51, § 1111.]

Sec. 2752. **Number of directors.** The board of directors of a school township shall be composed of one director from each subdistrict. But when there is an even number of subdistricts another director shall be elected at large by all the voters of the school township. When the school township is not divided into subdistricts, a board of three directors shall be elected at large, on the second Monday in March, by all the voters of the school township. [27 G. A., ch. 92, § 1; 15 G. A., ch. 27; C. '73, §§ 1720-1; R., §§ 2031, 2035, 2075-6; C. '51, §§ 1112, 1721.]

Sec. 2753. **Special schoolhouse tax.** At the annual subdistrict meeting, or at a special meeting called for that purpose, the voters may vote to raise a greater amount of schoolhouse tax than that voted by the voters of the school township, ten days' previous notice having been given, but the amount so voted, including the amount voted by the school township, shall not exceed in the aggregate the sum of fifteen mills on the dollar. The sum thus voted shall be certified forthwith by the secretary of said subdistrict meeting to the secretary of the school township, and shall be levied by the board of supervisors only on the property within the subdistrict. [C. '73, § 1778; R., §§ 2033-4, 2037, 2088.]

Sec. 2754. **Elections in independent districts tie vote—nomination—ballot.** At the annual meeting in all independent districts members of the board shall be chosen by ballot. In any district including all or part of a city of the first class, or a city under special charter, the board shall consist of seven members, three of whom shall be chosen on the second Monday in March, 1898, two on the second Monday in March, 1899, and two on the second Monday in March, 1900. In all other independent city, town or village districts, and in all rural independent districts where the board now consists of six members the board shall consist of five members, one of whom shall be chosen on the second Monday in March, 1898, two on the second Monday in March, 1899, and two on the second Monday in March, 1900. In all independent city, town, or village districts where the board now consists of three members such board shall hereafter consist of five members, three of whom shall be elected on the second Monday in March, 1898, one for one year, one for two years, and one for three years. In all other rural independent districts the board shall consist of three members, one of whom shall be chosen on the second Monday in March, 1898, and one each year thereafter. In districts composed in whole or in part of cities or towns, a treasurer shall be chosen in like manner, whose term shall begin on the first day of July, unless that date falls on Sunday, in which case, on the day following, and continue for two years, or until

his successor is elected and qualified. The term of office of the incumbent treasurer in said districts shall expire on the third Monday in March, 1898. In such districts the polls must remain open not less than five hours and in rural independent districts and school townships not less than two hours. In each case the polls shall open at one o'clock p. m., except as provided in section twenty-seven hundred and fifty-six of this chapter. A tie vote for any elective school office shall be publicly determined by lot forthwith, under the direction of the judges.

The names of all persons nominated as candidates for office in all independent city or town districts shall be filed with the secretary of the school board not later than seven days previous to the day on which the annual school election is to be held, each candidate to be nominated by a petition signed by not less than ten qualified electors of the district. The secretary of the school board shall cause to be printed, ballots upon which shall appear in alphabetical order the names of all candidates for each office, filed as herein provided, and a blank line for each such officer to be elected, there shall be at the left of each name and each blank line a square and there shall also be a direction to the voter as to the number of candidates to be voted for at said school election. Ballots shall be printed upon plain substantial paper of uniform quality and shall have no party designation or mark whatever. The secretary of the board shall cause to be delivered at the several polling places a sufficient number of ballots. In all other respects the said school election in independent city or town districts shall be conducted under the general election laws of the state of Iowa, so far as same may be applicable. [35 G. A., ch. 245, § 1; 31 G. A., ch. 136, § 2; 27 G. A., ch. 93, § 1; 27 G. A., ch. 91, § 2; 22 G. A., ch. 51; 18 G. A., ch. 7, § 2; C. '73, §§ 1789, 1808.]

Sec. 2755. **Election precincts—register of voters—notice.** That section two thousand seven hundred fifty-five (2755) supplement to the code, 1913, be and the same is hereby repealed and the following enacted in lieu thereof:

Each school corporation having five thousand or more inhabitants may be divided into such number of precincts as the board of directors shall determine, in each of which a poll shall be held at a convenient place, fixed by the board of directors, for the reception of the ballots of voters residing in such precinct. The clerk of the city shall furnish to the board of directors the last registers of elections, and these registers shall be used at and have the same force and effect at school elections held under this section in reception of votes thereat, as at general elections. The board of directors of such school corporation, on or before the last Monday preceding such election shall appoint two suitable persons to be registrars in each of the election precincts of such school corporation for the registration of voters therein, who

shall have the same qualification as registrars appointed for general elections and shall qualify in the same manner, and receive the same compensation to be paid by the school corporation. The registrars shall meet on the day of the election at the voting place in the precinct in which they have been appointed and shall hold continuous session from nine o'clock in the forenoon until seven o'clock in the afternoon. Any person claiming to be a voter, and who is not already registered in the proper precinct, may appear before them in the election precinct where he claims he is entitled to vote and make and subscribe under oath a statement in the registry book, which oath and statement shall be of the same general character as that prescribed by section ten hundred seventy-seven of the code, and shall thereupon be granted a certificate of registration. Nothing in this section shall be construed to prohibit women from voting at all elections at which they are entitled to vote. The secretary must post a notice of the meeting in a public place in each precinct at least ten days before the meeting, and by publication once each week for two consecutive weeks preceding the same in some newspaper, published in the corporation, such notice to state the time, respective voting precincts, and the polling place in each precinct, and also to specify what questions authorized by law, in addition to the election of director or directors, shall be voted upon and determined by the voters of the several precincts.

"No register shall be prepared nor shall registration be required in any school corporation containing a city in which registration is not required at the general or city elections." [37 G. A., ch. 334; 37 G. A., ch. 225; 31 G. A., ch. 9, § 3; 29 G. A., ch. 125, §§ 1, 2; 28 G. A., ch. 105, § 1; 18 G. A., ch. 8, §§ 1-4]

Sec. 2756. **Conduct of elections.** As judges of the election referred to in the preceding section, the board shall appoint three voters of the precinct, one of whom shall act as clerk, who shall be sworn as provided in case of a general election. Such judges may or may not be members of the board, as the board may determine, provided that not more than one member of the school board shall act as such judge at any one voting precinct. If any person so appointed fails to attend, the judge or judges attending shall fill the place by the appointment of any voter present, and like action shall follow a refusal to serve or to be sworn. Should all of the appointees fail to attend, their places shall be filled by the voters from those in attendance. The board shall provide the necessary ballot box and poll book for each precinct, and the judges shall make and certify a return to the secretary of the corporation of the canvass of the votes for office and upon each question submitted. On the next Monday after the meeting the board shall canvass the returns made to the secretary, ascertain the result of the voting with regard to every matter voted upon, declare the same, cause a record to be made thereof, and at once issue a certificate to each person elected. At all meet-

ings held under this and the next preceding section, the polls shall be kept open from nine o'clock a. m. until seven o'clock p. m. [35 G. A., ch. 245, § 2; 18 G. A., ch. 8, §§ 5, 6.]

BOARD OF DIRECTORS—ORGANIZATION—OFFICERS—POWERS.

Sec. 2757. **Meetings of directors—election of officers.** The board of directors of all independent city, town and village corporations, school townships maintaining school or schools with high school departments, and consolidated independent school districts shall organize on the third Monday in March, and those of all other school corporations on the first day of July, unless that date falls on Sunday, in which case on the day following. Such organizations shall be effected by the election of a president from the members of the board, who shall be entitled to vote as a member. Such special meetings may be held as may be determined by the board, or called by the president, or by the secretary upon the written request of a majority of the members of the board, upon notice specifying the time and place, delivered to each member in person, but attendance shall be a waiver of notice. Such meetings shall be held at any place within the civil township in which the corporation is situated.

On the first day of July, unless that date falls on Sunday, in which case on the day following, the board of all independent city, town and village corporations and the retiring board in all other school corporations shall meet, examine the books of, and settle with the secretary and treasurer for the year ending on the thirtieth day of June preceding, and for the transaction of such other business as may properly come before it. On the same day the board of each independent city, town and village corporation, except as provided in section twenty-seven hundred fifty-four (2754) of this chapter, and the new board of every other school corporation, shall elect from outside the board a secretary and treasurer, but in independent districts no teacher or other employee of the board shall be eligible as secretary. All officers shall be elected by ballot and the vote shall be recorded by the secretary. Should the secretary or treasurer fail to report as provided in sections twenty-seven hundred sixty-five (2765) and twenty-seven hundred sixty-nine (2769) of this chapter, it shall be the duty of the new board to take any action necessary to secure a proper settlement. [36 G. A., ch. 69, § 1; 31 G. A. ch. 136, § 3; 18 G. A., ch. 176; 15 G. A., ch. 27; C. '73, §§ 1721-2; R., §§ 2035-6, 2076; C. '51, § 1121.]

Sec. 2758. **Qualification of directors—vacancies.** Any member of the board may administer the oath of qualification to any member elect, and to the president of the board. Each director elected in March, 1906, or at any regular election thereafter, shall qualify on or before the date for the organization of the board of the corporation in which he was elected by taking an oath to support the constitution of the United States and that of the

state of Iowa, and that he will faithfully discharge the duties of his office; and shall hold the office for the term to which he is elected, and until a successor is elected and qualified. In case of a vacancy, the office shall be filled by appointment by the board until the next annual meeting. In all rural school corporations, the term of office of directors whose terms expire on the third Monday in March, 1906, is hereby extended to July 1, 1906. [31 G. A., ch. 137; C. '73, §§ 1752, 1790; R., §§ 2032, 2079; C. '51, §§ 1113, 1120.]

Sec. 2759. **President—employment of counsel.** The president of the board of directors shall preside at all of its meetings, sign all warrants and drafts, respectively, drawn upon the county treasurer for money apportioned and taxes collected and belonging to his school corporation, and all orders on the treasurer drawn as provided by law, sign all contracts made by the board, and appear in behalf of his corporation in all actions brought by or against it, unless individually a party, in which case this duty shall be performed by the secretary. In all cases where actions may be instituted by or against any school officer to enforce any provision of law, the board may employ counsel, for which the school corporation shall be liable. [19 G. A., ch. 46; C. '73, §§ 1739-40; R., §§ 2039-40; C. '51, §§ 1122-3, 1125.]

Sec. 2760. **Bonds of secretary and treasurer.** The secretary and treasurer shall each give bond to the school corporation in such penalty as the board may require, and with sureties to be approved by it, which bond shall be filed with the president, conditioned for the faithful performance of his official duties, but in no case less than five hundred dollars. Each shall take the oath required of civil officers, which shall be indorsed upon the bond, and shall complete his qualification within ten days. In case of a breach of the bond, the president shall bring action thereon in the name of the school corporation. [15 G. A., ch. 27; C. '73, §§ 1721, 1731; R., §§ 2035, 2037, 2076; C. '51, § 1144.]

Sec. 2761. **Duties of secretary.** The secretary shall file and preserve copies of all reports made to the county superintendent, and all papers transmitted to him pertaining to the business of the corporation; keep a complete record of all the proceedings of the meetings of the board and the voters of the corporation in separate books; keep an accurate, separate account of each fund with the treasurer, charge him with all warrants and drafts drawn in his favor, and credit him with all orders drawn on each fund; and he shall keep an accurate account of all expenses incurred by the corporation, and present the same to the board for audit and payment. At the annual meeting he shall record, in a book provided for that purpose, the names of all persons voting thereat, the number of votes cast for each candidate, and for and against each proposition submitted. The secretary of each independent town or city district shall file monthly, on or before the tenth day of each month, with the board of directors, a complete statement

of all receipts and disbursements from the various funds during the preceding month, and also the balance remaining on hand in the various funds at the close of the period covered by said statement, which monthly statements shall be open to public inspection. [35 G. A., ch. 246, § 1; C. '73, §§ 1741, 1743; R., §§ 2041-2; C. '51, §§ 1126, 1128.]

Sec. 2762. **Warrants.** He shall countersign all warrants and drafts upon the county treasurer drawn or signed by the president; draw each order on the treasurer, specify the fund on which it is drawn and the use for which the money is appropriated; countersign and keep a register of the same, showing the number, date, to whom drawn, the fund upon which it is drawn, the purpose and the amount; and at each regular annual meeting furnish the board with a copy of the same. [31 G. A., ch. 136, § 4; 19 G. A., ch. 46; C. '73, §§ 1739, 1782; R., §§ 2039, 2061; C. '51, §§ 1122-3.]

Sec. 2763-a. **Notice of special meetings in school corporations —divided into precincts.** The secretary of the board of directors of any school corporation which is divided into precincts, shall give notice of all special meetings of the voters, as provided by section twenty-seven hundred fifty-five (2755) of the supplement to the code (1902). Each notice shall state the date, place and hours during which the meeting will be in session, and the object of the meeting. [31 G. A., ch. 138, § 2.]

Sec. 2763-b. **Notice of special meetings in independent corporations of less than five thousand.** The secretary of the board of directors for any school corporation, located wholly within or partly within the corporate limits of cities of the first class, cities of the second class, or incorporated towns, which may not have adopted the provisions of section twenty-seven hundred fifty-five (2755) of the supplement to the code (1902) and divided into precincts, shall give notice of special meeting of the voters in the same manner as for the annual meeting, by posting at least five notices in five public places within said corporation, for not less than ten days next preceding the day of special meeting. Each notice shall state the date, place and hours during which the meeting will be in session, and the object of the meeting. [31 G. A., ch. 138, § 3.]

Sec. 2763-c. **Notice of special meetings in school townships.** The secretary of the board of directors for any school township or for any school corporation not included in the preceding sections, shall give ten days' printed or written notice of special meeting to the voters, posted in at least five public places within the corporation. The notice shall be posted at the door of each schoolhouse, and also at or near the last place of meeting, and each notice shall state the date, place and hours during which the meeting will be in session and the object of the meeting. [31 G. A., ch. 138, § 4.]

Sec. 2764. **Register of persons of school age.** He shall, between the first day of June and the first day of July of each year, enter in a book made for that purpose, the name, sex and age of every person between five and twenty-one residing in the corporation, together with the name of the parent or guardian. [31 G. A., ch. 136, § 5; C. '97, § 2764.]

Sec. 2765. **Reports.** He shall notify the county superintendent when each school is to begin and its length of term, and within five days after the regular July meeting in each year, file with the county superintendent a report which shall give the number of persons in the corporation, male or female, of school age, the number of schools and branches taught, the number of scholars enrolled and average attendance in each school, the number of teachers employed and the average compensation paid per month, distinguishing the sexes, the length of school in days, and the average cost of tuition per month for each scholar, the text-books used, number of volumes in library, the value of apparatus belonging to the corporation, the number of schoolhouses and their estimated value, the name, age, and postoffice address of each deaf and dumb, or blind person in the corporation between the ages of five and twenty-one years, and this shall include those who are so blind or deaf as to be unable to obtain an education in the common schools, a like report as to all feeble-minded children of and between such ages, and the number of trees set out and in a thrifty condition on each schoolhouse ground. [31 G. A., ch. 136, § 6; 19 G. A., ch. 23, § 3; 16 G. A., ch. 112, § 1; C. '73, §§ 1744-5; R., § 2046; C. '51, §§ 1127-8.]

Sec. 2766. **Officers reported.** He shall report to the county superintendent, auditor and treasurer the name and postoffice address of the president, treasurer and secretary of the board as soon as practicable after the qualification of each. [C. '73, § 1736.]

Sec. 2767. **Certifying tax.** Within five days after the board has fixed the amount required for the general fund, he shall certify to the board of supervisors the amount so fixed, and at the same time shall certify the amount of schoolhouse tax voted at any regular or special meeting. In case a schoolhouse tax is voted by a special meeting after the above certificate has been made and prior to the first day of September following, he shall forthwith certify the same to the board of supervisors. He shall also certify to such board any provision made by the board of directors for the payment of principal or interest of bonds lawfully issued. [37 G. A., ch. 386, § 3; C. '73, §§ 1777, 1823; R., §§ 2037, 2044.]

Sec. 2768. **Duties of treasurer—payment of warrants—deposit of funds—interest.** The treasurer shall receive all moneys belonging to the corporation, pay the same out only upon the order of the president countersigned by the secretary, keeping an accu-

rate account of all receipts and expenditures in a book provided for that purpose. He shall register all orders drawn and reported to him by the secretary, showing the number, date, to whom drawn, the fund upon which drawn, the purpose and amount. The money collected by tax for the erection of schoolhouses and the payment of debts contracted therefor shall be called the schoolhouse fund; the money collected by tax voted or the proceeds of the sale of bonds valid for the purpose of building schoolhouses shall be called the schoolhouse fund, and all other moneys received for any other purpose shall be called the general fund; and that received for the payment of teachers, the teachers' fund: and he shall keep a separate account with each fund, paying no order that fails to state the fund upon which it is drawn and the specific use to which it is to be applied. Whenever an order cannot be paid in full out of the fund upon which it is drawn, partial payment may be made. All school orders shall draw lawful interest after being presented to the treasurer and by him indorsed as not paid for want of funds. It is hereby made the duty of the treasurer of each school corporation to deposit all funds in his hands as such treasurer in some bank or banks in the state at interest at the rate of at least two per cent, per annum on ninety per cent. of the daily balances payable at the end of each month, all of which shall accrue to the benefit of the general fund of such school corporation; but before such deposit is made, such bank shall file a bond with sureties to be approved by the treasurer and the board of directors of such corporation in double the amount deposited, conditioned to hold the school corporation harmless from all loss by reason of such deposit or deposits; provided that in cases where an approved surety company's bond is furnished, said bond may be accepted in an amount equal to ten per cent more than the amount deposited. Said bond shall be filed with the president of the school board and action may be brought thereon either by the treasurer or the school corporation as the board may elect. [37 G. A., ch. 386, § 4; 35 G. A., ch. 247, § 2; 31 G. A., ch. 139; C. '73, §§ 1747-50; R., §§ 2048-50; C. '51, §§ 1138-40.]

Sec. 2769. **Financial statement.** He shall render a statement of the finances of the corporation whenever required by the board, and his books shall always be open for inspection. He shall make an annual report to the board at its regular July meeting, which shall show the amount of the general fund, and the schoolhouse fund held over, received, paid out, and on hand, the several funds to be separately stated, and he shall immediately file a copy of this report with the county superintendent. [37 G. A., ch. 386. § 5; 31 G. A., ch. 136, § 7; 16 G. A., ch. 112, § 2; C. '73, § 1751; R., § 2051; C. '51, § 1141.]

Sec. 2770. **Surrendering office to successor.** Each school officer, upon the termination of his term of office, shall immediately surrender to his successor all books, papers and moneys pertain-

ing or belonging to the office, taking a receipt therefor. [C. '73, § 1791; R., § 2080.]

Sec. 2771. **Quorum of board—filling vacancies.** A majority of the board of directors of any school corporation shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. Vacancies occurring among the officers or members shall be filled by the board by ballot, and the person receiving the highest number of votes shall be declared elected, and shall qualify as if originally elected or appointed. When the board is reduced below a quorum, by resignation or otherwise, the secretary of the board, or if there be no secretary, the county superintendent shall call a special election to fill the vacancies, giving notice in the same manner as for the annual meeting on the second Monday in March. In the case of any school corporation, including consolidated school districts, where no director has been elected or where no director who has been elected has qualified, the county superintendent of the county in which said district or the larger portion of said district is located shall be authorized and empowered to appoint a board of directors until their successors have been elected and qualified. The county superintendent, when making such appointments to fill vacancies, shall designate which term or terms each director appointed shall fill. [38 G. A., ch. 201; 32 G. A., ch. 150; 28 G. A., ch. 106; 24 G. A., ch 19; C. '73, §§ 1730, 1738; R., §§ 2037-38.]

Sec. 2772. **Temporary officers—course of study—regulations—use of tobacco prohibited.** The board shall appoint a temporary president and secretary, or either of them, in the absence of the regular officers, and shall prescribe a course of study for the schools of the corporation, make rules and regulations for its own government and that of the directors, officers, teachers and pupils, and the care of the schoolhouse, grounds and property of the school corporation, and aid in the enforcement of the same, and require the performance of duty by said persons not in conflict with law and said rules and regulations, and such rules and regulations shall prohibit the use of tobacco in any form by any student of such schools and such board may suspend or expel such student for any violation of such rule. [35 G. A., ch. 241, § 2; C. '73, §§ 1730, 1737; R., § 2037.]

Sec. 2773. **Schoolhouse site—division of district—length of school.** It may fix the site for each schoolhouse, taking into consideration the geographical position, number and convenience of the scholars, provide for the fencing of schoolhouse sites, determine the number of schools to be taught, divide the corporation into such wards or other divisions for school purposes as may be proper, determine the particular school which each child shall attend, and designate the period each school shall be held beyond the time required by law, except that no contract shall be entered into with any teacher to teach any school in the school corpora-

tion, when the average attendance in said school the last preceding term therein, was less than five pupils, unless a showing is made to the county superintendent that the number of children of school age in said school district, has increased so that ten or more will be enrolled in such school and will attend therein, in which case, or when natural obstacles to transportation of pupils to another district or other conditions make it clearly inadvisable that such schools be closed, the county superintendent may consent to maintaining a school in said district for the ensuing term. It shall be the duty of the member of the school board residing in said district to make the showing referred to herein or any resident of said district may upon his own motion make said showing. Every school shall be free of tuition to all actual residents between the ages of five and twenty-one years, and to resident honorably discharged soldiers, sailors and marines as many months after becoming twenty-one (21) years of age as they have spent in the military and naval service of the United States before they became twenty-one (21), and each school regularly established shall continue for at least thirty-two weeks of five school days each, in each school year commencing the first day of July.

In case a school in any district be closed as herein provided, then the board of such school corporation shall provide for the instruction of the pupils in said district in another school as conveniently as may be, and shall provide for the transportation of such pupils to such other school when any one or more of such pupils reside more than one and a half miles from the school to which they have been assigned, or shall allow to the parent or guardian of such pupil or pupils a reasonable sum for transporting such child or children to such other school.

The school board of the corporation in which the school that is closed under the provisions of this act is situated shall pay to the secretary of the school corporation in which children attend from the closed school the average cost of tuition and other expenses in the school wherein such children attend. No school shall be in session during the time of holding a teachers' institute except by written permission of the county superintendent. [38 G. A., ch. 24; 38 G. A., ch. 143; 38 G. A., ch. 160; 31 G. A., ch. 136, § 8; 19 G. A., ch. 172, § 21; 17 G. A., ch. 54; 15 G. A., ch. 57; C. '73, §§ 1724, 1727, 1769; R., §§ 2023, 2037.]

Sec. 2774. **Renting room—instruction in other schools—transportation of children.** It may, when necessary, rent a room and employ a teacher, where there are ten children for whose accommodation there is no schoolhouse; and when the board is released from its obligation to maintain a school, or when children live at an unreasonable distance from their own school, the board may contract with boards of other school townships or independent

districts for the instruction of children thus deprived of school advantages, in any school therein, and the cost thereof shall be paid from the general fund. And when there will be a saving of expense, and children will also thereby secure increased advantages, it may arrange with any person outside the board for the transportation of any child to and from school in the same or in another corporation, and such expenses shall be paid from the general fund. [21 G. A., ch. 124; 16 G. A., ch. 109; C. '73, § 1725.]

Sec. 2775. **Instruction as to stimulants, narcotics and poisons.** It shall require all teachers to give and all scholars to receive instruction in physiology and hygiene, which study in every division of the subject shall include the effects upon the human system of alcoholic stimulants, narcotics and poisonous substances. The instruction in this branch shall of its kind be as direct and specific as that given in other essential branches, and each scholar shall be required to complete the part of such study in his class or grade before being advanced to the next higher, and before being credited with having completed the study of the subject. [21 G. A., ch. 1.]

Sec. 2775-a. **Elementary agriculture—domestic science—manual training—instruction—teachers' examination.** The teaching of elementary agriculture, domestic science, and manual training shall, after the first day of July, nineteen hundred fifteen, be required in the public schools of the state; and the state superintendent of public instruction shall prescribe the extent of such instruction in the public schools. And after the date of aforesaid elementary agriculture and domestic science or manual training shall be included among the subjects required in the examination of those applicants for teachers' certificates who are required by the provisions of this act to teach agriculture and domestic science. Provided, however, that nothing in this section shall prevent the board of directors from dispensing with the teaching of said subjects in rural schools at its discretion. [37 G. A., ch. 319; 36 G. A., ch. 261, § 1; 35 G. A., ch. 248, § 1.]

Sec. 2778. **Contracts—election of teachers—employment of teachers in subdistricts.** The board shall carry into effect any instruction from the annual meeting upon matters within the control of the voters, and shall elect all teachers and make all contracts necessary or proper for exercising the powers granted and performing the duties required by law. But the board may authorize any subdirector to employ teachers for the schools in his subdistrict. Contracts with teachers must be in writing, and shall state the length of time the school is to be taught, the compensation per week of five days or month of four weeks, and such other matters as may be agreed upon, signed by the president and teacher, and filed with the secretary before the teacher commences to teach under such contract.

The board of directors of each independent school district of any city, town, village and of each consolidated independent school district shall have the power to employ a superintendent of schools for a term of not to exceed three years, who shall execute the orders and regulations of the board and have such powers and duties as they may prescribe, with such duties and powers as are now or may hereafter be prescribed by the laws of the state, provided, however, that no such contract be made until a superintendent has served at least one year in the position to which it is proposed to elect him for the longer period. [36 G. A., ch. 34, § 1; 28 G. A., ch. 107, § 1; 22 G. A., ch. 60; C. '73, §§ 1723, 1757; R., §§ 2037, 2055.]

Sec. 2778-a. **Minimum teachers' wage—based on certificate grade.** All teachers in the public schools of this state, shall be paid for their services a minimum wage of not less than the amounts hereinafter set forth:

1. A teacher who has completed a four-year college course and received a degree from an approved college and who is the holder of a state certificate or a state diploma shall receive a minimum wage of one hundred dollars ($100.00) per month until a successful teaching experience of two years in the public schools shall have been established. Thereafter, the minimum wage shall be one hundred and twenty dollars ($120.00) per month.

2. A teacher who has completed a two-year course in education in a state normal school or other school whose diploma is recognized as an equivalent diploma by the state board of educational examiners and who shall be the holder of a state certificate, or who shall be the holder of a state certificate issued upon examination, shall receive a minimum wage of eighty dollars ($80.00) per month, until a successful teaching experience of two years in the public schools shall have been established. Thereafter, the minimum wage shall be one hundred dollars ($100.00) per month.

3. A teacher who has completed a normal course in a normal training high school and who has had less than one year of successful teaching experence shall receive a minimum wage of sixty-five dollars ($65.00) per month. A teacher who has completed a normal course in a normal training high school and who shall have had one year of successful teaching experience, and a teacher holding a first grade uniform county certificate, shall receive a minimum wage of seventy-five ($75.00) per month until a successful experience of two years in the public schools shall have been established; thereafter, the minimum wage shall be eighty dollars ($80.00) per month.

4. A teacher who is the holder of a second grade uniform county certificate shall receive a minimum wage of sixty dollars

($60.00) per month until a successful experience of one year's duration in the public schools shall have been established. Thereafter, the minimum wage shall be sixty-five ($65.00) per month.

5. A teacher holding a third grade uniform county certificate shall receive a minimum wage of fifty dollars ($50.00) per month.

Sec. 2. The holder of any certificate in order to become entitled to the increase in salary provided by this act because of successful teaching experience must file with the county superintendent his certificate, also proofs of one or two years of teaching experience as the law requires. If in the opinion of the county superintendent the proofs are satisfactory he shall endorse such findings on the back of said certificate and return the same to the holder thereof, and any certificate properly endorsed by the county superintendent shall be evidence of qualification for the increase of salary provided by this act for such teaching experience. [38 G. A., ch. 351; 35 G. A., ch. 249.]

Sec. 2778-c. **Contracts for less than minimum wage prohibited.** It shall be unlawful for any school board or any school officer to contract for or pay a less wage to any teacher in the public schools of this state than the minimum amounts herein fixed. But nothing herein shall be construed as limiting the right to make a lawful contract for a higher wage than herein specified as a minimum but no contract entered into by a board of school directors with a teacher who is then under contract to teach with another board of school directors in the state of Iowa covering the same period of time shall be of any validity until such former contract shall have been released and cancelled.

Sec. 2. All teachers' contracts hereafter entered into shall contain a reference to this act and recite the section in said amendment after the word "but". [38 G. A., ch. 351; 38 G. A., ch. 310; 35 G. A., ch. 249, § 3.]

Sec. 2778-d.. **Violation—penalty.** Any school officer violating the provisions of this act shall be fined a sum of not less than twenty-five dollars, nor more than one hundred dollars, in the discretion of the court, and shall be suspended from office. [35 G. A., ch. 249, § 4.]

Sec. 2779. **Erection or repair of schoolhouse.** It shall not erect a schoolhouse without first consulting with the county superintendent as to the most approved plan for such building and securing his approval of the plan submitted, nor shall any schoolhouse be erected or repaired at a cost exceeding three hundred dollars save under an express contract reduced to writing, and upon proposals therefor, invited by advertisement for four weeks in some newspaper published in the county in which the work is to be done, and the contract shall be let to the lowest responsible

bidder, bonds with sureties for the faithful performance of the contract being required, but the board may reject any and all bids and advertise for new ones. [C. '73, § 1723; R., § 2037.]

Sec. 2780. **Allowance of claims—settlements—compensation of officers—treasurer.** It shall audit and allow all just claims against the corporation, and no order shall be drawn upon the treasury until the claim therefor has been audited and allowed; it shall from time to time examine the accounts of the treasurer and make settlements with him; shall present at each regular meeting of the electors a full statement of the receipts had and expenditures made since the preceding meeting, with such other information as may be considered important; and shall fix the compensation to be paid the secretary. But no member of the board or treasurer shall receive compensation for official services. [35 G. A., ch. 247, § 1; C. '73, §§ 1732-3, 1738, 1813; R., §§ 2037-8; C. '51, §§ 1146, 1149.]

Sec. 2781. **Financial statement.** It shall published in each independent city or town district, independent school district or school township two weeks before the annual school election, by one insertion in one or more newspapers, if any are published in such district, or by posting up in writing in not less than three conspicuous places in the district, a detailed and specific statement of the receipts and disbursements of all funds expended for school and building purposes for the year preceding such annual election. And the said board of directors shall also at the same time publish in detail an estimate of the several amounts which, in the judgment of such board, are necessary to maintain the schools in such district for the next succeeding school year. [37 G. A., ch. 223; C. '73, §§ 1734-5, 1756; R., §§ 2037, 2054; C. '51, § 1147.]

Sec. 2782. **Visiting schools—regulations—discharge of teacher—expulsion of scholar.** It shall provide for visiting the schools of the district by one or more of its members and aid the teachers in the government thereof, and enforcing the rules and regulations of the board. It may, by a majority vote discharge any teacher for incompetency, inattention to duty, partiality, or any good cause, after a full and fair investigation made at a meeting of the board held for that purpose, at which the teacher shall be permitted to be present and make defense, allowing him a reasonable time therefor. It may by a majority vote expel any scholar from school for immorality or for a violation of the regulations or rules established by the board, or when the presence of the scholar is detrimental to the best interests of the school, and it may confer upon any teacher, principal, or superintendent the power temporarily to dismiss a scholar, notice of such dismissal being at once given in writing to the president of the board. When a scholar is dismissed by the teacher, principal or superin-

tendent, as above provided, he may be re-admitted by such teacher, principal or superintendent, but when expelled by the board he may be re-admitted only by the board or in the manner prescribed by it. [C. '73, §§ 1734-5; R., §§ 2037, 2054; C. '51, § 1147.]

Sec. 2782-a. **Secret societies and fraternities prohibited in schools.** That from and after the passage of this act it shall be unlawful for any pupil, registered as such, and attending any public high school, district, primary, or graded school, which is partially or wholly maintained by public funds, to join, become a member of, or to solicit any other pupil of any such school to join, or become a member of any fraternity or society wholly or partially formed from the membership of pupils attending any such schools or to take part in the organization or formation of any such fraternity or society, except such societies or associations as are sanctioned by the directors of such schools. [37 G. A., ch. 158; 33 G. A., ch. 185, § 1.]

Sec. 2782-b. **Enforcement.** The directors of all such schools shall enforce the provisions of section one of this act, and shall have full power and authority to make, adopt, and modify all rules and regulations which, in their judgment and discretion, may be necessary for the proper governing of such schools and enforcing all the provisions of section one of this act. [33 G. A., ch. 185, § 2.]

Sec. 2782-c. **Suspension or dismissal.** The directors of such schools shall have full power and authority, pursuant to the adoption of such rules and regulations made and adopted by them, to suspend, or dismiss any pupil or pupils of such schools therefrom, or to prevent them, or any of them, from graduating or participating in school honors when, after investigation, in the judgment of such directors, or a majority of them, such pupil or pupils are guilty of violating any of the provisions of section 1 of this act, or who are guilty of violating any rule, rules or regulations adopted by such directors for the purpose of governing such schools or enforcing section one of this act. [33 G. A., ch. 185, § 3.]

Sec. 2782-d. **Rushing or soliciting to join prohibited—jurisdiction—penalty.** It is hereby made a misdemeanor for any person, not a pupil of such schools, to be upon the school grounds, or to enter any school building for the purpose of "rushing" or soliciting, while there, any pupil or pupils of such school to join any fraternity, society, or association organized outside of said schools. All municipal courts and justice courts in this state shall have jurisdiction of all offenses committed under this section, and all persons found guilty of such offenses shall be fined not less than two dollars nor more than ten dollars, to be paid to the city or village treasurer, when such schools are situated inside of the

corporate limits of any city or village, and to the county treasurer, when situated outside of the corporate limits of any such city or village, or upon failure to pay such fine, to be imprisoned for not more than ten days. [33 G. A., ch. 185, § 4.]

Sec. 2783. **Use of contingent fund—free text-books.** It may provide and pay out of the general fund to insure school property such sum as may be necessary; and may purchase dictionaries, library books including books for the purpose of teaching vocal music, maps, charts and apparatus for the use of the schools thereof to an amount not exceeding two hundred dollars in any one year for each school building under its charge; and may furnish school books to indigent children when they are likely to be deprived of the proper benefits of school unless so aided; and shall, when directed by a vote of the district, purchase and loan books to scholars, and shall provide by levy of general fund therefor. [38 G. A., ch. 345; 37 G. A., ch. 386, § 7; 30 G. A., ch. 115; 26 G. A., ch. 37; 25 G. A., ch. 34; 21 G. A., ch. 107; 19 G. A., ch. 149, § 1; C. '73, § 1729.]

Sec. 2784. **Water-closets.** It shall give special attention to the matter of convenient water-closets or privies, and provide on every schoolhouse site, not within an independent city or town district, two separate buildings located at the farthest point from the main entrance to the schoolhouse, and as far from each other as may be, and keep them in wholesome condition and good repair. In independent city or town districts, where it is inconvenient or undesirable to erect two separate outhouses, several closets may be included under one roof, and if outside the schoolhouse each shall be separated from the other by a brick wall, double partition, or other solid or continuous barrier, extending from the roof to the bottom of the vault below, and the approaches to the outside doors for the two sexes shall be separated by a substantial close fence not less than seven feet high and thirty feet in length. [25 G. A., ch. 3.]

Sec. 2785. **Duties of director—contracts—enumeration.** The board of directors of a school township may authorize the director of each subdistrict, subject to its regulations, to make contracts for the purchase of fuel, the repairing or furnishing of schoolhouses, and all other matters necessary for the convenience and prosperity of the schools in his subdistrict. Such contracts shall be binding upon the school township only when approved by the president of the board, and must be reported to the board. Each director shall, between the first and fifteenth days of June in each year, prepare a list of the heads of families in his subdistrict, the number and sex of all children of school age, and by the twentieth day of said month report this list to the secretary of the school township, who shall make full record thereof. The powers speci-

fied in this section cannot be exercised by individual directors of independent districts. [31 G. A., ch. 136, § 9; C. '73, §§ 1753-5; R., §§ 2052-3; C. '51, §§ 1124, 1142.]

Sec. 2786. **Industrial exposition.** The board of any school corporation or the director of any subdistrict deeming it expedient may, under the direction of the county superintendent, hold and maintain an industrial exposition in connection with the schools of such district, such exposition to consist in the exhibit of useful articles invented, made or raised by the pupils, by sample or otherwise, in any of the departments of mechanics, manufacture, art, science, agriculture and the kitchen, such exposition to be held in the schoolroom, on a school day, as often as once during a term, and not oftener than once a month, at which the pupils participating therein shall be required to explain, demonstrate or present the kind and plan of the articles exhibited, or give its method of culture; and work in these several departments shall be encouraged, and patrons of the school invited to be present at each exhibition. [15 G. A., ch. 64.]

Sec. 2787. **Shade trees.** The board of each school corporation shall cause to be set out and properly protected twelve or more shade trees on each schoolhouse site where trees are not growing. The county superintendent, in visiting the several schools of his county, shall call the attention of any board neglecting to comply with the requirements of this section to any failure to carry out its provisions. [19 G. A., ch. 23.]

Sec. 2788. **Teacher—qualifications.** No person shall be employed as a teacher in a common school which is to receive its distributive share of the school fund without having a certificate of qualification given by the county superintendent of the county in which the school is situated, or a certificate or diploma issued by some other officer duly authorized by law and no compensation shall be recovered by a teacher for services rendered while without such certificate or diploma. [C. '73, § 1758; R., § 2062.]

Sec. 2789. **Keep register—report.** Each teacher shall keep a daily register which shall correctly exhibit the name or the number of the school, the district and county in which it is located, the day of the week, month, year, and the name, age and attendance of each scholar, and the branches taught; and when scholars reside in different districts separate registers shall be kept for each district, and a certified copy of the register shall immediately at the close of the school be filed by the teacher in the office of the secretary of the board. The teacher shall file with the county superintendent such reports and in such manner as he may require. [C. '73, §§ 1759-60; R., § 2062.]

CORPORATIONS—ORGANIZATION—CHANGE OF BOUNDARIES.

Sec. 2790. **New township.** When a new civil township is formed the same shall constitute a school township, which shall go into effect on the first Monday in March following the completed organization of the civil township. The notices of the first meeting shall be given by the county superintendent, and at such meeting a board of three directors shall be chosen. [C. '73, § 1713.]

Sec. 2791. **Attaching territory to adjoining corporation.** In any case where, by reason of natural obstacles, any portion of the inhabitants of any school corporation in the opinion of the county superintendent cannot with reasonable facility attend school in their own corporation, he shall, by written order, in duplicate, attach the part thus affected to an adjoining school corporation, the board of the same consenting thereto, one copy of which order shall be at once transmitted to the secretary of each corporation affected thereby, who shall record the same and make the proper designation on the plat of the corporation. Township or county lines shall not be a bar to the operation of this section. [C. '73, § 1797.]

Sec. 2792. **Restoration.** Where territory has been or may hereafter be set off to an adjoining school township in the same or another county, or attached for school purposes to an independent district so situated, it may be restored to the territory to which it geographically belongs upon the concurrence of the respective boards of directors, and shall be so restored by said boards upon the written application of two-thirds of the electors residing upon the territory so set off or attached, together with the concurrence of the county superintendent and the board of the school corporation which is to receive back the territory. [19 G. A., ch. 160; 18 G. A., ch. 111; C. '73, § 1798.]

Sec. 2793. **Boundary lines changed.** The boundary lines of contiguous school corporations may be changed by the concurrent action of the respective boards of directors at their regular meetings in July, or at special meetings thereafter called for that purpose. The corporation from which territory is detached shall after the change contain not less than four government sections of land, and its boundary lines must conform to the lines of congressional divisions of land. In the same manner, the boundary lines of contiguous school corporations may be so changed that one corporation shall be included in and consolidated with the other as a single corporation. When boundary lines are changed by concurrent action, school districts affected thereby shall not be required to elect new boards of directors, and the boards then in office may make final settlement of all assets and liabilities as provided in section two thousand eight hundred two (2802), supplement to the code, 1913, and in case of a consolida-

tion of districts under this section the officers and members of the board of directors of the independent district having the larger number of inhabitants, shall continue to be the officers and directors of the independent district, as consolidated for the period for which such officers and directors were elected. [38 G. A., ch. 113; 34 G. A., ch. 142; 31 G. A., ch. 136, § 10; 22 G. A., ch. 62, § 1.]

In effect by publication April 3, 1919.

Sec. 2793-a. **Corporation limits changed.** When the boundary line between a school township and an independent city or town district is not also the line between civil township, such boundary may be changed at any time by the concurrence of the boards of directors; but in no case shall a forty-acre tract of land, by the government survey, be divided; and such subdivisions shall be excluded or included as entire forties. The boundaries of the school township or the independent district may in the same manner be extended to the line between civil townships, even though by such change one of the districts shall be included within and consolidated with the other as a single district. When the corporate limits of any city or town are extended outside the existing independent district or districts, the boundaries of said independent district or districts shall be also correspondingly extended. But in no case shall the boundaries of an independent district be affected by the reduction of the corporate limits of a city or town. [27 G. A., ch. 89.]

Sec. 2794. **Formation of independent district.** Upon the written petition of any ten voters of a city, town or village of over one hundred residents, to the board of the school corporation in which the portion of the town plat having the largest number of voters is situated, such board shall establish the boundaries of a proposed independent district, including therein all of the city, town or village, and also such contiguous territory as is authorized by a written petition of a majority of the resident electors of the contiguous territory proposed to be included in said district, in not smaller subdivisions than entire forties of land, in the same or any adjoining school corporations, as may best subserve the convenience of the people for school purposes, and shall give the same notices of a meeting as required in other cases, at which meeting all voters upon the territory included within the contemplated independent district shall be allowed to vote by ballot for or against such separate organization. When it is proposed to include territory outside the town, city or village, the voters residing upon such outside territory shall be entitled to vote separately upon the proposition for the formation of such new district, by presenting a petition of at least twenty-five per cent. of the voters residing upon such outside territory, and if a majority of the votes so cast is against including such outside territory,

then the proposed independent district shall not be formed, provided that a subdistrict containing a village with a population of seventy-five or more, may, under the provisions of this act organize into an independent school district. [36 G. A., ch. 89, § 1; 29 G. A., ch. 126, § 1; 19 G. A., ch. 118, § 1; 18 G. A., ch. 139; C. '73, §§ 1800-1; R., §§ 2097, 2105.]

CONSOLIDATED INDEPENDENT SCHOOL DISTRICTS.

Section 1. **Organization — dissolution.** That section twenty-seven hundred ninety-four-a (2794-a) of the supplemental supplement to the code, 1915 as amended by chapter 432 of the acts of the thirty-seventh general assembly, be amended by striking therefrom the first hundred lines of subdivision "a" thereof and inserting in lieu thereof the following:

(a) When a petition describing the boundaries of contiguous territory containing not less than sixteen sections, within one or more counties, asking for the establishment of a consolidated independent school district and signed by one-third of the qualified voters residing therein, is filed with the county superintendent of the county in which the largest number of qualified voters in the proposed district reside, he shall within ten days give public notice of the place and date when all objections shall be filed. Such petition shall be accompanied by an affidavit showing the number of qualified voters in the proposed consolidated district and in case such district is in two or more counties such affidavit shall show separately, as to each county, the number of qualified voters in the part of each county included in the proposed district. Such affidavit shall be made by some qualified voter residing in the proposed district, and shall be taken as true, unless objections are filed to it prior to the final decision on said petition. All notices under this act shall be by one publication in a newspaper published within the proposed district or if there be none, then in a newspaper having general circulation within the proposed consolidated district, which publication shall be made not less than five days nor more than fifteen days prior to the hearing or election to which they refer. Objections may be made by any person residing upon or owning land within such proposed boundaries or who would be injuriously affected by the formation of the proposed district and shall be on file not later than twelve o'clock noon of the day fixed for receiving objections. Within five days after such filings the county superintendent shall review all papers filed in his office and after careful review and investigation of their merits shall overrule or sustain the objections filed and fix and determine the boundary lines of the proposed consolidated district. In determining these boundaries he shall so locate the boundary lines as will in his judgment form the best possible consolidated district, having due regard also to the welfare of adjoining districts. He

shall also notify at once all objectors by registered letter of his decision.

Any person having filed objections and being aggrieved by the ruling of the county superintendent may appeal from his decision to the county board of education within ten days after the decision is rendered, by serving written notice on the said county superintendent. Within five days after said notice has been received, the county superintendent shall file with the county board of education all of the original papers together with his decision and fix the time and place where such appeal will be heard and shall give notice to appellants by registered letter as heretofore provided. The time fixed for such hearing shall be not less than ten nor more than fifteen days from the date his decision is rendered. The county board of education shall determine such appeal within five days after the submission thereof which decision shall be final as to said boundaries.

If no objections be filed or if the objections be not sustained, it shall be the duty of the county superintendent with whom said petition has been filed to call an election in the proposed consolidated district, legal notice of which shall be given as hereinbefore provided. At the election all qualified voters residing in the proposed consolidated district shall be entitled to vote by ballot for or against the establishment thereof.

When it is proposed to include in such district a school corporation containing a city, town or village with a population of two hundred or more inhabitants, the voters residing upon the territory outside the limits of the said school corporation shall vote separately upon the proposition to create such new district. The judges of said election shall provide separate ballot boxes in which shall be deposited the votes cast by the qualified voters from their respective territory, and if a majority of the votes cast by the qualified voters residing either within or without the limits of the aforesaid school corporation is against the proposition to form a consolidated independent corporation, then the proposed corporation shall not be formed. If a majority of the votes so cast in each territory shall be in favor of such independent organization, the organization of the proposed consolidated independent school corporation shall be completed by the election of a board of directors for said school corporation. Said election shall be called by the same county superintendent and by giving the same notice as provided for the calling of the election to establish said consolidated independent district. At such election two directors shall be chosen to serve until the next annual meeting, two until the second, and one until the third annual meeting thereafter. It is further provided that when a consolidated independent district is so organized it shall not be reduced to less than sixteen sections unless dissolved as provided by law.

No remaining portion of any school corporation from which territory is taken to form such a consolidated independent corporation shall, after the change, contain less than four government sections, which territory shall be contiguous and so situated as to form a suitable corporation. In the formation of such consolidated school corporation the boundary lines shall conform to those of school corporations or subdistricts already established, provided, however, that the county board of education on hearing, may fix other boundaries than herein prescribed, when because of meandering streams, irregular boundaries of existing subdistricts or school corporations or the location of highways, the welfare of the consolidated district and the adjoining districts may be better served. In case the boundary of such subdistricts be a public highway then the said consolidated district may include such tracts of one hundred sixty acres or less as are contiguous to the said highway. And where after the formation of such consolidated school corporation, there is left in any school townhsip one or more pieces of territory containing four or more government sections, each of such pieces of territory shall thereon become a rural independent school corporation, unless two or more subdistricts remain in a contiguous body, in which event such remaining portion of territory shall constitute a school township, and it shall be the duty of the officers of the former school township to call an election in each of such remaining pieces of territory for the purpose of election school officers in the manner provided by law for the election of officers in rural independent school and school township corporations. The judges of the elections herein provided for shall be appointed by the county superintendent with whom the petition was filed. Such judges shall be qualified voters of the territory or district in which they are to serve. If any judge fails to appear at the proper time his place shall be filled by the judge or judges present.

This act shall not affect, or be construed to affect action now pending in the formation of any consolidated school district. [38 G. A., ch. 148; 37 G. A., ch. 432; 36 G. A., ch. 46; 36 G. A., ch. 342; 34 G. A., ch. 143, § 1; 31 G. A., ch. 141.]

In effect by publication April 8, 1919.

(b) *Organization of board—taxes previously certified—levy for general fund.* The organization of the school board in consolidated independent school corporations shall be effected on or before the first day of July following their election, and when completed, all taxes previously certified shall be void so far as the property within the limits of the consolidated independent school corporation is concerned, and the board of said consolidated independent school corporation shall at a regular meeting or a special meeting called for the purpose, at any time prior to the third Monday in August of each year, levy for the general fund of said school the

amount of all necessary taxes for all school purposes, which shall not exceed sixty-five dollars for each person of school age, except that where an approved high school course is maintained in such school the levy may be eighty dollars for each person of school age the amount so levied to be certified by them to the county board of supervisors on or before the first Monday of September in each year, and the board of supervisors shall levy said tax at the same time, and in the same manner that other school taxes are required to be levied. [38 G. A., H. F. 103; 31 G. A., ch. 141.]

(c) *Central school—transportation.* It shall be the duty of the school board of any consolidated independent school corporation and school township maintaining a central school to provide suitable transportation to and from school, for every child of school age living within said district, and outside the limits of any city, town or village but the board shall not be required to cause the vehicle of transportation to leave the public highway to receive or discharge occupants thereof. The board shall from time to time, by resolution regularly adopted, number and designate the route to be traveled by each conveyance in transporting children to and from school. The school board may require that children living an unreasonable distance from school shall be transported by the parent, or guardian, a distance of not to exceed two miles, to connect with any vehicle of transportation to and from school; or may, in the discretion of the board, contract with an adjoining school corporation for the instruction of any child living an unreasonable distance from school, and they shall allow a reasonable amount of compensation for the transportation of children to and from the point where they are taken over, or discharged from the vehicle used to convey them to and from school, or for transporting to an adjoining district. In determining what an unreasonable distance would be, consideration shall be given to the number and age of the children, the condition of the roads, and the number of miles to be traveled in going to and from school. The board shall have the right on account of inclemency of the weather to suspend the transportation of any route upon any day or days when in the judgment of the said board it would be a hardship on the children, or when the roads to be traveled are unfit or impassable.

(d) *Contracts for transportation—rules and regulations.* The school board of any consolidated independent school corporation shall contract with as many suitable persons as they deem necessary for the transportation of children of school age to and from school, such contract to be in writing and shall state the number of the route, the length of time contracted for, the compensation to be allowed per week of five school days, or per month of four school weeks, and may provide that two weeks' salary shall be retained by the board pending full compliance therewith by the party contracted with, and shall always provide

that any party or parties to said contract and every person in charge of vehicles conveying children to and from school, shall be at all times subject to any rules or regulations said board shall adopt for the protection of the children, or to govern the conduct of the person in charge of said conveyance.

(e) *School building—tax levy—location.* It shall be the duty of the school board of any consolidated independent district to provide a suitable school building within such district, and shall at any regular meeting or at a special meeting called for that purpose submit the question of levying a tax for the building of any school building suitable for the needs of the district, or for the building of a superintendent's and teachers' house, or for the repairing of any school building where the cost of such repairs exceeds the sum of two thousand dollars to the qualified voters of said district, and all moneys received from such source to be placed in the schoolhouse fund of said corporation and to be used for such purposes only. In locating said building they shall take into consideration the geographical position, number and convenience of the scholars, and may submit the question of location to the voters of the district at any regular meeting or special meeting called for that purpose; providing that whenever a city, town or village containing a school population of twenty-five or more, is included within any consolidated independent district, then said building shall be located within the limits of said city, town or village, or upon lands contiguous to such limits, on such a site as the school board may determine. [37 G. A., ch. 432; 34 G. A., ch. 143; 31 G. A., ch. 141.]

(f) *Dissolution—petition—election—boards of directors—division of assets and liabilities.* Whenever a petition signed by one-third of the electors in a consolidated independent school corporation asking that said district be dissolved and describing the boundaries of the district or districts proposed to be organized out of the territory then included in such consolidated independent school corporation and having the approval of the county superintendent, if one county, and the superintendent of each if more than one county, and by the state superintendent of public instruction if the county superintendents do not agree, is filed with the board of said consolidated independent district, it shall be the duty of said board within ten days to call an election for which they shall give the same notices as are required in section twenty-seven hundred forty-six of the code, and twenty-seven hundred fifty of the supplement to the code, 1907, at which election all voters residing within the district shall be allowed to vote by ballot for or against such dissolution. If a majority of all votes cast at said election be in favor of dissolving the consolidated district, same shall be dissolved and the organization of a new district or districts be forthwith completed by the election of a board of directors as provided by statute; provided, however, that such dissolution shall become effective only when the reor-

ganization of the territory included in the original consolidated district is completed. The assets and liabilities of any such school corporation thus dissolved shall be equitably divided as provided in section twenty-eight hundred and two of the supplement to the code, 1907.

(g) *Violation of transportation rules and regulations—penalty.* Any person driving, managing, or in charge of any vehicle used in transporting children to and from school in any consolidated independent school corporation who shall be found guilty of violating any of the rules and regulations adopted by the board of said school for the guidance of any person in charge of such conveyance, shall be guilty of a misdemeanor, and for the first offense shall be fined not less than five dollars or more than ten dollars and for a subsequent offense shall be fined not less than twenty-five dollars or more than fifty dollars and shall be dismissed from the service. [36 G. A., ch. 342, § 1; 36 G. A., ch. 46, §1; 34 G. A., ch. 143, § 1; 31 G. A., ch. 141.]

Sec. 2794-b. **State aid to consolidated schools—equipment and maintenance—two-room building—agriculture and home economics.** That all consolidated schools organized in accordance with the provisions of the code supplement section twenty-seven hundred ninety-four-a as amended by chapter one hundred forty-three of the acts of the thirty-fourth general assembly which are now or hereafter established with suitable grounds and a two-room school building and the necessary departments and equipment for teaching agriculture and home economics, or other industrial and vocational subjects, and employing teachers holding a certificate showing their qualifications to teach said subjects, and in which said subjects are provided as a part of the regular course in such schools, subject to the approval of the superintendent of public instruction, shall be awarded and paid from the state treasury from moneys not otherwise appropriated, the sum of two hundred fifty dollars towards the equipment required, and the further sum of two hundred dollars annually. [35 G. A., ch. 250, § 1.]

Sec. 2794-c. **Same—three-room building—manual training.** That all such schools established with a three-room school building and suitable grounds and the necessary departments and equipment for teaching agriculture, home economics and manual training, or other industrial and vocational subjects, and employing teachers holding a certificate showing their qualification to teach said subjects, and in which said subjects are provided as a part of the regular course in such schools, subject to the approval of the superintendent of public instruction, shall be awarded and paid from the state treasury from moneys not otherwise appropriated, the sum of three hundred fifty dollars towards the equipment required and the further sum of five hundred dollars annually. [35 G. A., ch. 250, § 2.]

Sec. 2794-d. **Same—four-room building.** That all such schools established with four rooms or more and suitable grounds and the necessary departments and equipment for teaching agriculture, home economics and manual training, or other industrial and vocational subjects, and employing teachers holding a certificate showing their qualifications to teach said subjects, and in which said subjects are provided as a part of the regular course in such schools, subject to the approval of the superintendent of public instruction, shall be awarded and paid from the state treasury from moneys not otherwise appropriated the sum of five hundred dollars towards the equipment required, and the further sum of seven hundred fifty dollars annually. [35 G. A., ch. 250, § 3.]

Sec. 2794-e. **Report by secretary—requisition—warrant.** The secretary of each school corporation shall, at the close of each school year, report to the superintendent of public instruction as said officer may require; upon receipt of a satisfactory report, the superintendent of public instruction shall issue a requisition upon the auditor of state for the amount due such school corporation for said year; whereupon the auditor of state shall draw a warrant on the state treasury payable to such school corporation for the amount of said requisition, and forward the same to the secretary of such school corporation. [35 G. A., ch. 250, § 4.]

Sec. 2794-f. **No additional aid for normal course in high school.** No consolidated school having a high school department shall receive additional aid for maintaining the normal training course in high schools as provided in chapter one hundred thirty-one, acts of the thirty-fourth general assembly. [35 G. A., ch. 250, § 5.]

Sec. 2794-g. **Annual appropriation.** That the law as it appears in section twenty-seven hundred ninety-four-g, supplement to the code, 1913, be and the same is hereby repealed and the following enacted in lieu thereof:

"For the purpose of carrying out the provisions of this act there is hereby appropriated annually out of any money in the state treasury, not otherwise appropriated, the sum of one hundred fifty thousand dollars, or so much thereof as may be necessary. In the event the foregoing appropriation shall be insufficient in any year to pay in full the state aid to which the schools described in sections twenty-seven hundred ninety-four-b (2794-b), twenty-seven hundred ninety-four-c (2794-c), and twenty-seven hundred ninety-four-d (2794-d), supplement to the code, 1913, the said appropriation shall be distributed among the several schools pro rata in proportion to the amount they would have received had said appropriation been sufficient to pay in full the amounts provided for in said section. [38 G. A., ch. 291; 36 G. A., S. F. 282, § 1; 35 G. A., ch. 250, § 6.]

Amendment of 38 G. A. in effect by publication April, 1919.

Sec. 2795. **Organization.** If the proposition to establish an independent district carries, then the same board shall give the usual notice for a meeting to choose a board of directors. Two directors shall be chosen to serve until the next annual meeting, two until the second, and one until the third annual meeting thereafter. The board shall organize by the election of officers in the usual manner. [15 G. A., ch. 27; C. '73, § 1802; R., §§ 2099, 2100, 2106.]

Sec. 2796. **Taxes certified and levied.** The organization of such independent district shall be effected on or before the first day of August of the year in which it is attempted, and, when completed, all taxes certified for the school township or townships of which the independent district formed a part shall be void so far as the property within the limits of the independent district is concerned, and the board of such independent district shall fix the amount of all necessary taxes for school purposes, including schoolhouse taxes, at a meeting called for such purpose at any time before the third Monday of August, which shall be certified to the board of supervisors on or before the first Monday of September, and it shall levy said tax at the same time and in the same manner that other school taxes are required to be levied. [C. '73, § 1804.]

Sec. 2797. **Rural independent districts.** At any time before the first day of August, upon the written request of one-third of the legal voters in each subdistrict of any school township, the board shall call a meeting of the voters of the subdistrict, giving at least thirty days' notice thereof by posting three notices in each subdistrict in each school township, at which meeting the voters shall vote by ballot for or against rural independent district organization. If a majority of the votes cast in each subdistrict shall be favorable to such independent organization, then each subdistrict shall become a rural independent district, and the board of the school township shall then call a meeting in each rural independent district for the choice of three directors, to serve one, two and three years, respectively, and the organization of the said rural independent district shall be completed. [22 G. A., ch. 61.]

Sec. 2798. **Subdivision of independent districts.** Independent districts may subdivide for the purpose of forming two or more independent districts or have territory detached to be annexed with other territory in the formation of an independent district or districts, the board of directors of the original independent districts to establish the boundaries of the districts thus formed, such new districts to contain not less than four government sections of land each; but in case a stream or other obstacle shall debar a number of children of school privileges, an independent district may be thus organized containing less territory; or, if

such new district shall include within its territory a town or village with not less than one hundred inhabitants, it may in like manner be made up of less territory; but in neither case shall the new district contain less than two government sections of land, nor be organized except on a majority vote of the electors of each proposed district, and the proceedings for such subdivision shall in all respects be like those provided in the section relating to organizing cities and towns into independent districts so far as applicable. [18 G. A., ch. 131; 17 G. A., ch. 133, §§ 1-4.]

Sec. 2799. **Uniting independent districts.** Independent districts located contiguous to each other may unite and form one and the same independent district in the manner following: At the written request of any ten legal voters residing in each of said independent districts, or, if there be not ten, then a majority of such voters, their respective boards of directors shall require their secretaries to give at least ten days' notice of the time and place for a meeting of the electors residing in each of such districts, by posting written notices in at least five public places in each of said districts, at which meeting the electors shall vote by ballot for or against a consolidated organization of said independent districts, and, if a majority of the votes cast at the election in each district shall be in favor of uniting said districts, the secretaries shall give similar notice of a meeting of the electors as provided for by law for the organization of independent districts including cities and towns. [22 G. A., ch. 63, § 1; C. '73, § 1811.]

Sec. 2800. **Rural independent districts united into school township.** A township which has been divided into rural independent districts may be erected into a school township by a vote of the electors, to be taken upon the written request of one-third of the legal voters residing in such civil township. Upon presentation of such written request to the township trustees, they shall call a meeting of the electors at the usual place or places of holding the township election, upon giving at least ten days' notice thereof by posting three written notices in each rural independent district in the township, and by publication in a newspaper, if one be published in such township, at which meeting the said electors shall vote by ballot for or against a school township organization. If a majority of the votes cast at such election be in favor of such organization, each rural independent district shall become a subdistrict of the school township, and shall organize as such on the first Monday in March following, by the election of a director, notice of which shall be given as in other cases by the secretary of each of the rural independent districts, and the directors so elected shall organize as a board of directors of the school township on the first day of July following, unless that date falls on Sunday, in which case on the day following. [31 G. A., ch. 136, § 11; 16 G. A., ch. 155; C. '73, §§ 1815-20.]

Sec. 2801. **Division of school township into subdistricts.** The

board of any school township may by a vote of a majority of all the members thereof, at the regular meeting in July, or at any special meeting called thereafter for that purpose, divide the school township into subdistricts such as justice, equity and the interest of the people require, and may make such alterations of the boundaries of subdistricts heretofore formed as may be deemed necessary, and shall designated such subdistricts and all subsequent alterations in a distinct and legible manner upon a plat of the school township provided for that purpose, and shall cause a written description of the same to be recorded in the records of the school township, a copy of which shall be delivered by the secretary to the county treasurer and also to the county auditor, who shall record the same in his office. The boundaries of subdistricts shall conform to the lines of the congressional divisions of land, and the formation or alteration of subdistricts as contemplated in this section shall not take effect until the first Monday in March thereafter, at which time a director shall be elected for any subdistrict newly formed. [31 G. A., ch. 136, § 12; 21 G. A., ch. 124; 16 G. A., ch. 109; C. '73, §§ 1725, 1738, 1796; R., § 2038.]

Sec. 2802. **Changes of boundaries—division of assets and liabilities.** When any changes are made in the boundaries of any school corporation the new corporation shall elect a board of directors in accordance with the new boundaries, and such new boards shall organize as provided in section twenty-seven hundred fifty-seven (2757) of this chapter. The boards of directors in office at the time the changes are made in the boundaries of the school corporation, shall continue to act until the boards of directors representing the newly formed districts have been duly organized, whereupon the new board shall make an equitable division of all assets and liabilities of the corporations affected; and, if they cannot agree, the matters upon which they differ shall be decided by disinterested arbitrators, one selected by each board having an interest therein, and if the number thus selected is even, then one shall be added by the county superintendent, and the decision of the arbitrators shall be made in writing, either party having the right to appeal therefrom to the district court. [31 G. A., ch. 136, § 13; C. '73, § 1715.]

Sec. 2803. **Attending school in another corporation.** A child residing in one corporation may attend school in another in the same or adjoining county if the two boards so agree. In case no such agreement is made, the county superintendent of the county in which the child resides and the board of such adjoining corporation may consent to such attendance, if the child resides nearer a schoolhouse in the adjoining corporation and one and one-half miles or more from any public school in the corporation of his residence. But before granting such consent the county

superintendent shall give notice to the board where the child resides and hear objections, if any. In case such consent is given, the board of the district of the child's residence shall be notified thereof in writing, and shall pay to the other district the average tuition per week for the school or room thereof in which such child attends. If payment is refused or neglected, the board of the creditor corporation shall file an account thereof certified by its president with the auditor of the county of the child's residence, who shall, at the time of the making of the next semi-annual apportionment, deduct the amount from the sum apportioned to the debtor district, and cause it to be paid to the corporation entitled thereto. [37 G. A., ch. 386, § 8; 17 G. A., ch. 41; 16 G. A., ch. 64; C. '73, § 1793; R., § 2024; C. '51, § 1143.]

Sec. 2804. **School age—nonresidents.** Persons between five and twenty-one years of age shall be of school age. Nonresident children and those sojourning temporarily in any school corporation may attend school therein upon such terms as the board may determine. The parent or guardian whose child or ward attends school in any independent district of which he is not a resident shall be allowed to deduct the amount of school tax paid by him in said district from the amount of the tuition required to be paid. [C. '73, § 1795.]

Sec. 2804-a. **Display of United States flag—duty of board—flagstaff.** That it shall be the duty of the board of directors of each school corporation of this state to provide a suitable flagstaff on each public school building maintained under the authority of such board of directors and to provide each of such school buildings with a suitable flag, and such flag shall be raised over such building on all days when weather suitable therefor shall prevail. [35 G. A., ch. 244, § 1.]

Sec. 2804-b. **Flag raising services.** That at the commencement of each school day the teacher, superintendent, principal or whoever has the general supervision of the school administration within any such building, may arrange for the raising of such flag, as herein provided for, over the said building, with appropriate services, when weather conditions will permit, at the beginning of each school day. [35 G. A., ch. 244, § 2.]

Sec. 2804-c. **Flag upon all public buildings.** That it shall be the duty of the custodians of all public buildings of the state of Iowa to raise over such building the flag of the United States of America, upon each secular day when weather conditions are favorable, and it shall be the duty of any board of public officers charged with the duty of providing for the supplies of any such public building, to provide in connection with other supplies for any such building of the state of Iowa, a suitable flag for the purposes herein provided. [35 G. A., ch. 244, § 3.]

Sec. 2805. **Bible not excluded.** The bible shall not be excluded from any public school or institution in the state, nor shall any child be required to read it contrary to the wishes of his parent or guardian. [C. '73, § 1764; R., § 2119.]

Sec. 2806. **School taxes—transportation fund—contract for use of library.** The board of each school corporation shall at its regular meeting in July, or at a special meeting called for that purpose between the time designated for such regular meeting and the third Monday in August, estimate the amount required for the general fund, not exceeding sixty dollars for each pupil of school age, but each school corporation may estimate not to exceed six hundred and fifty dollars for each school thereof, and such additional sum as may be necessary not exceeding five dollars for each person of school age for transporting children to and from schools; also such additional sum as may be authorized in section twenty-eight hundred twenty-five of the code. No tax shall be estimated by the board after the third Monday in August, in each year. School corporations containing territory in adjoining counties may vote and estimate all taxes for school purposes in mills. The board shall apportion any tax voted by the annual meeting for schoolhouse fund among the several subdistricts in such a manner as justice and equity may require, taking as the basis of such apportionment the respective amounts previously levied upon said subdistricts for the use of such fund. The board of directors of any school corporation in which there is no free public library shall have power to contract with any free public library for the free use of such library by the residents of such school district as provided in section one of this act and to pay such library the amount agreed therefor, and to certify annually a tax not exceeding one mill on the dollar of the taxable property of such district, to be used exclusively therefor; and during the existence of such contract a tax sufficient to pay such library the consideration agreed upon, not exceeding one mill on the dollar, shall be certified annually by such board. Each school corporation making such contract shall, during the existence of such contract, be relieved from the requirements of section twenty-eight hundrd twenty-three-n of the supplement to the code, 1907. This section shall not be construed to apply in townships where a contract is in existence under the provisions of section two of this act. [38 G. A., ch. 77; 37 G. A., ch. 386, § 9; 37 G. A., ch. 32; 35 G. A., ch. 251, § § 1, 2; 35 G. A., ch. 70, § 5; 33 G. A., ch. 182, § 1; 31 G. A., ch. 136, § 14; 28 G. A., ch. 108, § 1; 15 G. A., ch. 67, § 1; C. '73, § § 1738, 1777-8; R., § § 2033-4, 2037-44, 2083.]

Sec. 2806-a. All funds on hand in the school house bond fund at the time of the taking effect of this act shall be transferred to the schoolhouse fund and all funds on hand in the teachers' fund and contingent fund on said date shall be transferred to the general fund of such corporation. [37 G. A., ch. 386, § 11.]

Sec. 2807. **Levy by board of supervisors.** The board of supervisors shall at the time of levying taxes for county purposes levy the taxes necessary to raise the various funds authorized by law and certified to it under this chapter, but if the amount certified for any such fund is in excess of the amount authorized by law it shall levy only so much thereof as is authorized by law. If a schoolhouse tax is voted at a special meeting and certified to said board after the regular levy is made, it shall at its next regular meeting levy such tax and cause the same to be forthwith entered upon the tax list to be collected as other school taxes. It shall also levy a tax for the support of the schools within the county of not less than one nor more than three mills on the dollar on the assessed value of all the taxable property within the county. [C. '73, §§ 1779-80; R., §§ 2057, 2059.]

Sec. 2808. **Apportionment.** The county auditor shall on the first Monday in April and the first Monday in October of each year, apportion to the school tax, together with the interest of the permanent school fund and rents on unsold lands to which the county is entitled as shown in the notice from the auditor of state, and all other money in the hands of the county treasurer belonging in common to the schools of the county and not included in any previous apportionment among the several corporations therein, in proportion to the number of persons of school age, as shown by the report of the county superintendent filed with him for the year immediately preceding. He shall immediately notify the county treasurer of such apportionment and of the amount due thereby to each corporation. The county treasurer shall thereupon give notice to the president of each corporation, and shall pay out such apportionment moneys in the same manner that he is authorized to pay other school moneys to the treasurers of the several school districts. [32 G. A., ch. 151, § 3; 27 G. A., ch. 94; C. '73, §§ 1781-2, 1841; R., §§ 1966, 2060-1.]

Sec. 2809. **Auditor to report.** The county auditor, shall on the first Monday in January of each year, forward to the superintendent of public instruction a certificate of the election or appointment and qualification of the county superintendent, and shall also on the first day of January of each year make out and transmit to the auditor of state, in accordance with such forms as said auditor may prescribe, a report of the amount of permanent school fund held by the county and also the amount of interest due prior to January first, still remaining unpaid, and shall file said report with the auditor of state on or before the first day of February. [32 G. A., ch. 151, § 2; C. '73, § 1783.]

Sec. 2810. **Taxes paid over.** Before the third Monday of January, April, July and October in each year, the county treasurer shall give notice to the president of the board of each school

corporation in the county of the amount collected for each fund to the first day of such month, and the president of each board shall draw his draft therefor, countersigned by the secretary, upon the county treasurer, who shall pay such taxes to the treasurers of the several school boards only on such draft. He shall also keep the amount of tax levied for schoolhouse purposes separate in each subdistrict where such levy has been made directly upon the property of the subdistrict, and shall pay over the same quarterly to the treasurer of the school township for the benefit of such subdistrict. [C. '73, §§ 1784-5.]

Sec. 2811. **Judgment tax.** When a judgment shall be obtained against a school corporation, its board shall order the payment thereof out of the proper fund by an order on the treasurer, not in excess, however, of the funds available for that purpose. If the proper fund is not sufficient, then, unless its board has provided by the issuance of bonds for raising the amount necessary to pay such judgment, the voters thereof shall at their annual meeting vote a sufficient tax for the purpose. In case of failure or neglect to vote such a tax, the school board shall certify the amount required to the board of supervisors, who shall levy a tax on the property of the corporation for the same. [18 G. A., ch. 132, § 6; C. '73, § 1787; R., § 2095.]

BONDS—INDEBTEDNESS.

Sec. 2812-c. **School funding bonds.** That the law appearing as section 2812-c of the supplement to the code, 1913, be and the same is hereby repealed and the following enacted in lieu thereof:

"For the purpose of providing for the payment of any indebtedness of any school corporation represented by judgments or bonds, the board of directors of such school corporation at any time or times may provide by resolution for the issuance of bonds of such school corporation to be known as funding or refunding bonds. The proceeds derived from the negotiation of such funding or refunding bonds shall be applied in payment of such indebtedness; or said funding bonds or refunding bonds may be issued in exchange for the evidence of such indebtedness, par for par."

Sec. 2. All bonds which have been heretofore issued under chapter one hundred fifty-two (152) of the laws of the thirty-second (32d) general assembly of Iowa and which are subject to the objection that they were issued to refund bonds which has been issued subsequent to the adoption of said chapter one hundred fifty-two (152), are hereby legalized in respect to said objection, the same in effect as if the bonds refunded had been issued prior to the adoption of said chapter one hundred fifty-two (152).

Sec. 3. Nothing in this act shall affect any pending litigation. [37 G. A., ch. 262; 32 G. A., ch. 152, § 2.]

Sec. 2812-d. **School building bonds.** For the purpose of borrowing money necessary to erect, complete, equip, furnish or improve a schoolhouse, or to purchase sites therefor, the board of directors of any school corporation, when they have been heretofore, or when they may hereafter be authorized by the voters at the annual meeting or at a special meeting called for that purpose, may issue the negotiable interest bearing bonds of said school corporation; said bonds to be known as school building bonds. [32 G. A., ch. 152, § 3.]

Sec. 2812-e. **Form—duration—rate of interest—where registered.** All of said bonds shall be substantially in the form provided for county bonds, but subject to changes that will conform them to the action of the board providing therefor, shall run not more than twenty years, and may be sooner paid if so nominated in the bond; be in denomination of not more than one thousand dollars or less than one hundred dollars each, to bear a rate of interest not exceeding five per centum per annum, payable semi-annually, to be signed by the president and countersigned by the secretary of the board of directors, and shall not be disposed of for less than par value, nor issued for other purposes than this chapter provides. All of said bonds shall be registered in the office of the county auditor. The expenses of engraving and printing of bonds may be paid out of the contingent fund. [36 G. A., ch. 325; § 1; 33 G. A., ch. 183, § 1; 32 G. A., ch. 152, § 4.]

Sec. 2812-f **Redemption—treasurer to keep record.** Whenever the amount in the hands of the treasurer, belonging to the funds set aside to pay bonds, is sufficient to redeem one or more of the bonds which by their terms are subject to redemption, he shall give the owner of said bonds thirty (30) days' written notice of the readiness of the district to pay and the amount it desires to pay. If not presented for payment or redemption within thirty days after the date of such notice, the interest on such bonds shall cease and the amount due thereon shall be set aside for its payment whenever it is presented. All redemptions shall be made in the order of their numbers. The treasurer shall keep a record of the parties to whom the bonds are sold, together with their postoffice addresses, and notice mailed to the address as shown by such record shall be sufficient. [32 G. A., ch. 152, § 5.]

Sec. 2813. **Tax to pay bonds or money borrowed.** The board of each school corporation shall, when estimating and certifying the amount of money required for general purposes, estimate and certify to the board of supervisors of the proper county, the amount required to pay interest due or that may become due for the year beginning January first thereafter, upon lawful bonded indebtedness and in addition thereto such amount as the board may deem necessary to apply on the principal; but the amount estimated and certified to apply on principal and interest for any

one year shall not exceed five mills on the dollar of the actual valuation of the taxable property of the school corporation. [35 G. A., ch. 252, § 1; 27 G. A., ch. 95, § 2; 18 G. A., ch. 51, § 2; 18 G. A., ch. 132, § 6; C. '73, § 1823.]

Sec. 2813-a. **Tax levy.** The board of supervisors of the county to which the certificate is addressed within the contemplation of this act shall levy the necessary tax to raise the amount estimated, or so much thereof as may be lawful and within the limitation of this act, which levy shall be made as other taxes for school purposes. [35 G. A., ch. 252, § 2.]

Sec. 2813-b. **To what applicable.** This act shall apply to estimates heretofore made, certificates furnished, or taxes levied, together with such as may hereafter be made, furnished or levied for the purposes contemplated by this act; but this act shall not apply to pending litigation. [35 G. A., ch. 252, § 3.]

Sec. 2814. **Schoolhouse sites—acquisition.** That section two thousand eight hundred and fourteen (2814) of the supplement to the code, 1913, be and the same is hereby repealed and the following enacted as a substitute therefor:

Any school corporation may take and hold so much real estate as may be required for schoolhouse sites, for the location or construction thereon of schoolhouses, and the convenient use thereof, but not to exceed two acres exclusive of public highway, except in a city, town or village or cities under special charter it may include two blocks or area equal thereto exclusive of the street or highway as the case may be, for any one site, and may also take and hold such additional real estate, not exceeding five acres as may be required for school playground or other purposes for each such site, or in districts consolidated under the provisions of section two thousand seven hundred ninety-four-a (2794-a) of the supplemental supplement to the code, 1915, may take and hold not to exceed ten acres, for any one site, such additional ground may be acquired by donation, which site must be upon some public road already established or procured by the board of directors and shall, except in cities, towns or villages, be at least thirty rods from the residence of any owner who objects to its being placed nearer, and not in any public park. The directors in any independent district whose territory is composed wholly or in part of territory occupied by any city of the first class or city under special charter may, at their regular meeting in July, or at a special meeting called for that purpose, between the time designated for such regular meeting and the third Monday in August, certify an amount not exceeding four mills to the board of supervisors and they shall levy the amount so certified and the tax so levied shall be placed in the schoolhouse fund and used only for the purchase of sites in and for said school district. Anything contained in section twenty-seven hundred and forty-nine (2749) of the code to the contrary notwithstanding.

[38 G. A., ch. 125; 37 G. A., ch. 26; 35 G. A., ch. 253, § 1; 32 G. A., ch. 153; C. '73, §§ 1825-6.]

In effect by publication April 3, 1919.

That section twenty-eight hundred and fourteen (2814) of the supplement to the code, 1913, be and the same is hereby amended by adding thereto the following as section twenty-eight hundred and fourteen-b (2814-b):

Sec. 2814-b. **Purchase of abandoned private school grounds.** Any school corporation in which there was organized and founded prior to the year 1902 a university with not to exceed forty acres of land upon which a school building or buildings have been erected which could be used for public school purposes, and said university did prior to the year 1914 abandon said school and place its property upon the market and the same is now owned by a church organization, said school corporation may purchase said land and buildings where the same are located in a city of the first class, provided the owner of said land and buildings and the school corporation can agree as to the terms of sale and purchase price thereof. Said land and buildings, when so purchased, may be used for grade or high school purposes, school site or sites, playgrounds, athletic field, demonstration grounds, agricultural experiment grounds and other educational or school purposes. [37 G. A., ch. 400.]

Sec. 2815. **Condemnation.** That section two thousand eight hundred fifteen (2815) of the code be and the same is hereby repealed and the following enacted as a substitute therefor:

If the owner of any of the real estate desired for a schoolhouse site or sites, or a public road thereto, or for school playgrounds or other purposes for which any school corporation is, or may be authorized to take and hold real estate, refuses or neglects to convey the same, or is deceased, or is unknown or cannot be found, or if in the judgment of the board of directors of said school corporation they cannot agree with such owner, the county superintendent of the county in which said school corporation is located shall, upon the application of either party in interest, appoint three freeholders of said county not interested in the same or a like question, as referees, who shall take and subscribe an oath to the effect that they will faithfully and impartially discharge the duties laid upon them. The county superintendent shall give notice of the time and place of making the assessments of damages to the owner of such real estate as shown by the transfer books in the office of the county auditor of such county, and the person in possession thereof, or, if such owner as so shown by such transfer book is deceased, then such notice shall be given to the person or persons in possession of such real estate and to the owners of the beneficial interest therein, such notice in either event to be given for the same length of time

and in the same manner as for the commencement of actions in the district court. Such referees shall inspect the grounds proposed to be taken, fix the damage sustained as near as may be on the basis of the value of the real estate so appropriated, and report in writing to the county superintendent their doings and findings, which report shall be filed and preserved in his office; and upon the amount found by the referees being deposited with the county treasurer, for the use of such owner or owners, possession may at once be taken of such real estate and the necessary buildings erected and occupied. From the assessment so made either party may appeal to the district court by giving notice thereof as in case of taking private property for works of internal improvement within ten days after receiving notice of the award made. If such appeal is not taken, the assessment shall be final; if taken, the board may proceed with the construction of improvements, and may take possession of such real estate, if the deposit hereinbefore provided has been or shall be made. Such proceedings shall be void if the school corporation fails to deposit the amount due as hereinbefore provided within sixty days from and after the final determination of the proceedings upon appeal or otherwise. Upon such appeal the school corporation shall not be liable for costs unless the owner shall be allowed a greater sum than given by the referees; all costs of making the referees' assessment to be paid by the school corporation.

Sec. 3. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Des Moines Register and the Des Moines Daily Capital, newspapers published in Des Moines, Iowa. [37 G. A., ch. 26, § 2; C. '73, § 1827.]

Sec. 2816. **Reversion.** That section twenty-eight hundred sixteen (2816), supplement to the code, 1913, is hereby repealed and the following enacted in lieu thereof:

In school districts wholly outside any city or incorporated town, in case of non-user for school purposes continuously for two years of any real estate acquired for a schoolhouse site, it shall revert, with improvements thereon, to the owner of the tract from which it was taken, upon payment of the market value thereof, together with the value of the improvements thereon, to be determined by arbitration, and upon such payment the school corporation shall make a conveyance to such owner. If such owner refuses to accept the property at its appraised value, the school corporation may sell the same to any other person upon payment of the appraised value, or at public auction to the highest bidder. In either of the above cases the site and the improvements thereon may be sold separately.

Schoolhouses and school sites no longer necessary for school purposes, because of being located in consolidated school dis-

tricts, may be sold immediately after the organization of such consolidated school district, in the manner above provided. During its use no person owning a right of reversion shall have any interest in or control over the premises.

This law shall not apply to districts in which schools have been temporarily closed by law on account of small attendance. [38 G. A., ch. 342; 34 G. A., ch. 144; C. '73, § 1828.]

APPEAL.

Sec. 2818. **Appeal to county superintendent.** Any person aggrieved by any decision or order of the board of directors of any school corporation in a matter of law or fact may within thirty days after the rendition of such decision or the making of such order, appeal therefrom to the county superintendent of the proper county; the basis of the proceedings shall be an affidavit filed with the county superintendent by the party aggrieved within the time for taking the appeal, which affidavit shall set forth any error complained of in a plain and concise manner. [C. '73, §§ 1829-31; R., §§ 2133-5.]

Sec. 2819. **Hearing and decision.** The county superintendent shall, within five days after the filing of such affidavit in his office, notify the secretary of the proper school corporation in writing of the taking of such appeal; the latter shall, within ten days after being thus notified, file in the office of the county superintendent a complete transcript of the record and proceedings relating to the decision complained of, which transcript shall be certified to be correct by the secretary; after the filing of the transcript aforesaid the county superintendent shall notify in writing all persons adversely interested of the time and place where the matter of the appeal will be heard by him. At the time fixed for the hearing he shall hear testimony for either party, and he shall make such decision as may be just and equitable, which shall be final unless appealed from as hereinafter provided. [C. '73, §§ 1832-4; R., §§ 2136-8.]

Sec. 2820. **Appeal to state superintendent—no money judgment.** An appeal may be taken from the decision of the county superintendent to the superintendent of public instruction in the same manner as provided in this chapter for taking appeals from the board of a school corporation to the county superintendent, as nearly as applicable, except that thirty days' notice of the appeal shall be given by the appellant to the county superintendent, and also to the adverse party. The decision when made shall be final. Nothing in this chapter shall be so construed as to authorize either the county or state superintendent to render judgment for money; neither shall they be allowed any other compensation than is now allowed by law. All necessary postage must first be paid by the party aggrieved. [C. '73, §§ 1835-6; R., §§ 2139-40.]

Sec. 2820-d1. **Indebtedness authorized in certain districts.** Any school corporation shall be allowed to become indebted for the purpose of building and furnishing a school house, or school houses and additions thereto, gymnasium, teachers' or superintendents' home or homes; and procuring a site or sites therefor, or for the purpose of purchasing land to add to a site already owned, to an amount not to exceed in the aggregate, including all other indebtedness, five per centum of the actual value of the taxable property within such school corporation, such value to be ascertained by the last county tax list previous to the incurring of such indebtedness, anything contained in section thirteen hundred six-b (1306-b) supplement to the code, 1913, to the contrary notwithstanding. [38 G. A., ch. 314; 35 G. A., ch. 254, § 1; 35 G. A., ch. 10, § 1; 34 G. A., ch. 145, § 1; 33 G. A., ch. 184, § 1.]

Sec. 2820-d2. **Petition for election.** Provided, that before such indebtedness can be contracted in excess of one and one-quarter per centum of the actual value of the taxable property ascertained as provided in this act, a petition signed by a number equal to twenty-five per cent of those voting at the last school election shall be filed with the president of the board of directors, asking that an election shall be called, stating the purpose for which the money is to be used, and that the necessary schoolhouse or houses cannot be built and furnished, or that sufficient land cannot be purchased to add to a site already owned, within the limit of one and one-quarter per centum of the valuation. [35 G. A., ch. 254, § 2; 34 G. A., ch. 145, § 2; 33 G. A., ch. 184, § 2.]

Sec. 2820-d3. **Submission of question—notice—ballot.** The president of the board of directors, on receipt of such petition shall, within ten days, call a meeting of the board who shall call such election, fixing the time and place thereof, which may be at the time and place of holding the regular school election. Four weeks' notice of such election shall be given by publication once each week, in some newspaper published in the said town or city, or if none be published therein, in the next nearest town or city in the county. At such election the ballot shall be prepared and used in substantially the following form:

	Yes
	No

Shall the (naming the independent district) issue bonds in the sum of.....dollars ($.....) for the purpose of constructing or equipping schoolhouses? [33 G. A., ch. 184, § 3.]

Sec. 2820-d4. **Bonds.** If a majority of all the qualified voters voting at such election vote in favor of the issuance of such bonds, the board of directors shall issue the same and make provision for the payment of the same and the interest thereon as provided in sections twenty-eight hundred twelve-d, twenty-eight hundred twelve-e, twenty-eight hundred twelve-f and twenty-eight hundred thirteen of the supplement to the code, 1907.

Sec. 2. That in all cases where an election has been held in any school district, under the provisions of sections twenty-eight hundred twenty-d1 (2820-d1), twenty-eight hundred twenty-d2 (2820-d2), twenty-eight hundred twenty-d3 (2820-d3), twenty-eight hundred twenty-d4 (2820-d4), and twenty-eight hundred twenty-d5 (2820-d5), supplement to the code, 1913, and a majority of the votes cast, regardless of the sex of the voter, at such election was in favor of the issuance of bonds, and all bonds so authorized, whether heretofore issued or hereafter to be issued, are hereby legalized and validated.

Sec. 3. This act shall not affect pending litigation. [38 G. A., ch. 134; 33 G. A., ch. 184, § 4.]

In effect by publication April 5, 1919.

Sec. 2820-d5. **To what applicable.** But this act shall in no wise affect pending litigation nor act or acts of any school board under the statute or statutes herein repealed; but the transaction, if any, may be completed with the same force and effect as if the statute were not repealed. [33 G. A., ch. 184, § 5.]

Sec. 2820-e. **Consolidation authorized.** That in all cities of the first class containing a population of fifty thousand or over, according to any census taken by the authority or under the direction of the state of Iowa or of the United States, all the territory embraced within the corporate limits of any such city may be consolidated into and become one independent school district, known as the independent school district of (naming the city), state of Iowa, in the manner following: [32 G. A., ch. 155, § 1.]

Sec. 2820-f. **Petition—question submitted—consolidation effected—board of directors—officers.** When a written petition, requesting the establishment of a consolidated independent district whose territory shall be co-extensive with that of such city, signed by one hundred voters of such city, is filed with the board of the school corporation therein having the largest number of voters, it shall be the duty of said board within ten days, to call an election, at which all the voters residing in the proposed district shall be allowed to vote by ballot for or against the proposition, "Shall all the territory within the city of (naming it) be united into one school district?" The board calling said election shall divide the territory within the proposed district into such number of precincts as the board shall determine, and the judges of election shall make and certify a return of the vote to the secretary of the same board which shall, on the next Monday after the election, canvass the returns made to the secretary, ascertain the result of the election, declare the same and cause a record to be made thereof, and in all other respects, except as inconsistent with the provisions of this act, the election shall be conducted as provided by law for elections in independent school districts in cities of the first class. If a majority of the votes cast at such

election is favorable to the proposition, the consolidation and formation of said independent district shall thereby be effected, and the board of directors, treasurer, and other officers of the school corporation then holding office in the district affected by such consolidation having the largest number of voters, shall become the board of directors, treasurer and other officers of such consolidated district, and shall continue to hold their respective offices until the terms for which they were originally elected shall expire. The terms of office of all directors, treasurers and officers of boards in all the other districts affected by this act, lying wholly within such consolidated district and holding office at the time of such consolidation, shall cease and determine, and in case of districts lying partly without such consolidated district, the directors, officers and treasurers shall continue to have authority only over the territory lying within their district, and without the consolidated district; provided that nothing herein contained shall affect the terms of employment of superintendents, principals, or teachers for the current school year, in which such consolidation may be effected. [32 G. A., ch. 155, § 2.]

Sec. 2820-g. **Taxes.** All taxes previously certified during that year shall be void so far as the property within the limits of the consolidated independent district is concerned. And all taxes necessary for the new corporation for that year shall be certified and levied as provided in section twenty-seven hundred ninety-six of the code. All property belonging to districts affected by such consolidation shall become the property of the consolidated district, except that in case of districts lying partly without such city, the liabilities and assets of such districts shall be equitably apportioned in accordance with chapter one hundred thirty-six, section thirteen, acts of the thirty-first general assembly, but nothing herein contained shall affect the rights of existing creditors. [32 G. A., ch. 155, § 3.]

Sec. 2820-h. **Election expense.** The expense of such election shall be borne by the consolidated district, in case such district shall be formed, otherwise by the separate districts in proportion to the assessed valuation therein within the proposed consolidated district. [32 G. A., ch. 155, § 4.]

Sec. 2821. **Witnesses—fees.** The county superintendent in all matters triable before him shall have power to issue subpoenas for witnesses, which may be served by any peace officer, compel the attendance of those thus served, and the giving of evidence by them, in the same manner and to the same extent as the district court may do, and such witnesses and officers may be allowed the same compensation as is paid for like attendance or service in such court, which shall be paid out of the contingent fund of the proper school corporation, upon the certificate of the superintendent to and warrant of the secretary upon the treasurer; but if the superintendent is of the opinion that the proceedings were instituted without reasonable cause therefor, or if,

in case of an appeal, it shall not be sustained, he shall enter such findings in the record, and tax all costs to the party responsible therefor. A transcript thereof shall be filed in the office of the clerk of the district court and a judgment entered thereon by him, which shall be collected as other judgments. [First appeared in the code of 1897.]

Sec. 2822. **Penalties.** Any school officer wilfully violating any provision of this chapter, or wilfully failing or refusing to perform any duty imposed by law, shall forfeit and pay into the treasury of the particular school corporation in which the violation occurs the sum of twenty-five dollars, action to recover which shall be brought in the name of the proper school corporation, and be applied to the use of the schools therein. [C. '73, 1746, 1786; R., §§ 2047, 2081; C. '51, § 1137.]

Sec. 2823. **Provisions apply to all corporations—issuance of bonds.** The provisions of this chapter shall apply alike to all districts, except when otherwise clearly stated, and the power given to one form of corporation, or to a board in one known corporation, shall be exercised by the other in the same manner, as nearly as practicable. But school boards shall not incur original indebtedness by the issuance of bonds until authorized by the voters of the school corporation. [First appeared in the code of 1897.]

What Included. The chapter referred to in this section includes everything in the school laws from section 2743 to section 2823-t inclusive.

COMPULSORY ATTENDANCE.

Sec. 2823-a. **Duties of parents and guardians—penalty exceptions.** Any person having control of any child of the age of seven to sixteen years inclusive, in proper physical and mental condition to attend school, shall cause such child to attend some public, private, or parochial school, where the common school branches of reading, writing, spelling, arithmetic, grammar, geography, physiology, and United States history are taught, or to attend upon equivalent instruction by a competent teacher elsewhere than school, for at least twenty-four consecutive school weeks in each school year, commencing with the first week of school after the first day of September, unless the board of school directors shall determine upon a later date which date shall not be later than the first Monday in December; but the board of school directors in any city of the first or second class may require attendance for the entire time the schools are in session in any school year. Provided that this section shall not apply to any child who lives more than two miles from any school by the nearest traveled road except in those districts in which the pupils are transported at public expense, or who is over the age of fourteen and is regularly employed; or has educational

qualifications equal to those of pupils who have completed the eighth grade; or who is excused for sufficient reasons by any court of record or judge thereof; or while attending religious service or receiving religious instructions. Any person who shall violate the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than three dollars nor more than twenty dollars, for each offense. [35 G. A., ch. 255, § 1; 33 G. A., ch. 187, § 1; 33 G. A., ch. 186, § 1; 30 G. A., ch. 116, § 1; 29 G. A., ch. 128, § 1.]

Sec. **2823-b. Reports to secretary.** Upon notice from the secretary of the school corporation within which such school is conducted, it shall be the duty of each principal of each private or parochial school, once during each school year, and at any time when requested in individual cases, and within ten days from the receipt of such notice, to furnish to such secretary a certificate and report of the names, ages and attendance of the pupils in attendance at such school during the preceding year and from the time of the last preceding report to the time at which a report is required and any person having the control of any child between seven and fourteen years of age inclusive, who shall place the same under private instruction, not in a regularly conducted school, upon receiving notice from the secretary of the school corporation, shall furnish a like certificate stating the name and age of such child and the period of time during which said child has been under said private instruction; and any person having the control of such child who is physically or mentally unable to attend school, public or private, shall furnish proofs by affidavit or affidavits as to the physical or mental condition of such child. All such certificates, reports and proofs shall be filed and preserved in the office of the secretary of the school corporation as a part of the records of his office. [29 G. A., ch. 128, § 2.]

Sec. **2823-c. Certified copies.** It shall be the duty of the secretary of the school corporation to furnish to any person interested, where so requested, certified copies of all certificates contemplated by this act, on file in his office. [29 G. A., ch. 128, § 3.]

Sec. **2823-d. Truant schools.** The board of directors of any school corporation may establish truant schools, or set apart separate rooms in any public school building, for the instruction of children who are habitually truant from instruction, as contemplated by this act. Such directors may provide for the confinement, maintenance, and instruction of such children in such schools, under such reasonable rules and regulations as they may prescribe. If any child, committed or sent to the truant school shall prove insubordinate and escape from such school during school hours, or absent himself or herself therefrom without the consent of the persons in charge thereof, then it shall be the duty of the person in charge of said school with the consent of the parent or guardian to file information before the judge of a court

of record, who may, if the charge be found to be true and the said child be habitually vagrant, disorderly, or incorrigible commit such child to one of the industrial schools of the state, under the same proceeding as is provided by section twenty-seven hundred eight (2708) of the code so far as the same may be applicable. [29 G. A., ch. 128, § 4.]

Sec. 2823-e. **Truant officers.** The board of directors of each school corporation may, and in school corporations having a population of twenty thousand (20,000) or more shall, at their annual meeting in each year, appoint one or more truant officers, who shall serve for one year, and who may be a constable or a member of the police force, whose duty it shall be to report violations of this act to the secretary of the school corporation, and see to the enforcement of the provisions of this act. It shall be the duty of said truant officer or officers to apprehend and take into custody without warrant any child of the age of seven (7) to fourteen (14) years inclusive, who habitually frequents or loiters about public places during school hours without lawful occupation, or cannot produce a certificate as provided in section two (2) hereof, also any truant child who absents himself or herself from school, and place him or her in charge of the teacher having charge of any school, which said child is entitled to attend, and which school may be designated to said officers by the person having legal control of such child. Provided, however, in case the school so designated by the parent or person having the care and control of said child be a public school it shall be such as directed by the rules and regulations of the school board and the statutes of the state, and if other than a public school, the maintenance of said child in such school shall be without expense to the school corporation or state. Upon failure of such child to properly attend or when on report of the teacher having the custody of such child, said child is shown to not properly conduct itself in the school where placed as herein provided, the child may be removed therefrom by the board of directors and placed either in a public school or a truant school conducted in said district. The truant officer or officers shall be entitled to such compensation for service rendered under this act, as shall be fixed by the board of directors appointing him or them, which compensation shall be paid from the contingent fund of said district. In towns and cities of the second class, the independent school district may employ the marshal or other police officer of such city or town to act as truant officer, and pay him a salary in addition to that received from such city or town of not to exceed five ($5.00) dollars per month. [33 G. A., ch. 188; 30 G. A., ch. 116, § 2; 29 G. A., ch. 128, § 5.]

Sec 2823-f. **Enforcement.** It shall be the duty of the director or president of any board of directors, or any truant officers appointed by such board of directors, to enforce the provisions of this act, to sue for and recover the penalties herein provided, and

to institute criminal prosecution against any person violating the provisions of this act, and any such officers neglecting to do so within thirty (30) days after a written notice has been served upon him by any citizen of said district or the county superintendent of the county within which the offending person shall reside, shall himself be liable for a fine of not less than ten ($10) dollars nor more than twenty ($20) dollars for each offense. [32 G. A., ch. 154; 29 G. A., ch. 128, § 6.]

Sec. 2823-g. **Teachers and school officers—duties.** All teachers of the public schools of the state, and county superintendents, and school officers and employees shall promptly report to the secretary of the school corporation any violations of the provisions of this act, of which they have knowledge or information, and he shall promptly inform the president of the board of directors thereof, and such president shall, if necessary, call a meeting of the board of directors to take such action thereon as the facts shall justify, and any child placed in any truant school may be discharged therefrom at the discretion of the board, upon sufficient assurance of the future good conduct of such child. [29 G. A., ch. 128, § 7.]

Sec. 2823-h. **Provisions for punishment.** The board of directors of every school corporation is hereby authorized to provide such reasonable methods of punishment of children who are habitually truant from school, or who habitually frequent or loiter about public places during school hours, without lawful occupation, as may be necessary to carry out and make effectual the provisions of this act. [29 G. A., ch. 128, § 8.]

Sec. 2823-i. **School census.** It shall be the duty of all officers, empowered to take the school census, to ascertain the number of children of the ages of seven to sixteen years, inclusive, in their respective districts, the number of such children who do not attend school, and so far as possible the cause of failure to attend school. [35 G. A., ch. 255, § 2; 29 G. A., ch. 128, § 9.]

SCHOOL LAWS—SALE.

Sec. 2823-j. **Compilation—number—distribution.** The superintendent of public instruction shall every four years, if deemed necessary, cause to be printed, bound and distributed all school laws in force up to that time, the number to be determined by the executive council. Each county superintendent shall be furnished a sufficient number of copies to supply the school officers of the state and such others as may request them. [35 G. A., ch. 256, § 1; 27 G. A., ch. 90, § 1.]

LIBRARIES.

Sec. 2823-n. **Library fund.** The treasurer of each school township and each rural independent district in this state shall

withhold annually, from the money received from the apportionment for the several school districts, not less than five nor more than fifteen cents, as may be ordered by the board, for each person of school age residing in each school corporation, as shown by the annual report of the secretary, for the purchase of books as hereinafter provided. When so ordered by the board of directors, the provisions of this section shall apply to any independent district. [28 G. A., ch. 23, § 1.]

Sec. 2823-o. **Purchase of books—distribution.** Between the third Monday of September and the first day of December in each year the president and secretary of the board, with the assistance of the county superintendent of schools, shall expend all money withheld by the treasurer as provided in section one of this act, in the purchase of books selected from the lists prepared by the state board of educational examiners as hereinafter provided, for the use of the school district; in school townships the secretary shall distribute the books thus selected to the librarians among the several subdistricts, and at least semi-annually collect the same and distribute others. [28 G. A., ch. 110, § 2.]

Sec. 2823-p. **State board of educational examiners to prepare list of books.** It is hereby made the duty of the state board of educational examiners to prepare at its discretion lists of books suitable for use in school district libraries, and furnish copies of such lists to each president, secretary, and each county superintendent, as often as the same shall be published or revised, from which lists the several presidents and secretaries and county superintendents shall select and purchase books. [33 G. A., ch. 189; 28 G. A., ch. 110, § 3.]

Sec. 2823-q. **Record book.** It shall be the duty of each secretary to keep in a record book, furnished by the board of directors, a complete record of the books purchased and distributed by him. [28 G. A., ch. 110, § 4.]

Sec. 2823-r. **Librarian.** Unless the board of directors shall elect some other person, the secretary in independent districts and director in subdistricts in school townships shall act as librarian and shall receive and have the care and custody of the books, and shall loan them to teachers, pupils, and other residents of the district, in accordance with the rules and regulations prescribed by the state board of educational examiners and board of directors. Each librarian shall keep a complete record of the books in a record book furnished by the board of directors. During the periods that the school is in session the library shall be placed in the schoolhouse, and the teacher shall be responsible to the district for its proper care and protection. The board of directors shall have supervision of all books and shall make an equitable distribution thereof among the schools of the corporation. [28 G. A., ch. 110, § 5.]

VOCAL MUSIC

Sec. 2823-s. **Instruction in vocal music authorized.** That the elements of vocal music, including when practical the singing of simple music by note, be taught in all of the public schools of Iowa, and that all teachers teaching in schools where such instruction is not given by special teachers be required to satisfy the county superintendent of their ability to teach the elements of vocal music in a proper manner. Provided, however, that no teacher shall be refused a certificate or the grade of his or her certificate lowered on account of lack of ability to sing. [28 G. A., ch. 109, § 1.]

Sec. 2823-t. **Normal institute.** That it shall be the duty of each county superintendent to have taught annually in the normal institute the elements of vocal music. [28 G. A., ch. 109, § 2.]

OF PUBLIC RECREATION AND PLAY GROUNDS.

Sec. 2823-u. **Establishments — maintenance — supervision.** Boards of school directors in school districts containing or contained in cities of the first or second class, cities under special charter, or cities under the commission plan of government, are hereby authorized to establish and maintain for children in the public school buildings and on the public school grounds under the custody and management of such boards, public recreation places and playgrounds and necessary accommodations for same, without charge to the residents of said school district; also to co-operate with the commissioners or boards having the custody and management in such cities of public parks and public buildings and grounds of whatever sort, and by making arrangements satisfactory to such boards controlling public parks and grounds to provide for the supervision, instruction and oversight necessary to carry on public educational and recreational activities, as described in this section in buildings and upon grounds in the custody and under the management of such commissioners or boards having charge of public parks and public buildings on grounds of whatever sort, in such cities of the first or second class, cities under special charter, or cities under commission plan of government. [35 G. A., ch. 257, § 1.]

Sec. 2823-u1. **Tax levy—petition—submission.** The board of directors of any school district containing, or contained in, any city of the first or second class, city under special charter, or city under the commission plan of government, may, and upon petition to that effect signed by legally qualified voters aggregating not less than twenty-five per cent of the number voting at the last preceding school election, shall submit to the electors of such school district the question of levying a tax as in this act provided; and if a majority of the votes cast upon such propo-

sition be in favor thereof, then the board of school directors shall proceed to organize the work as authorized in this act and levy a tax therefor at the time and in the manner provided in section 3 of this act. If at the time of filing said petition it shall be more than three months till the next regular school election, then the board of school directors shall submit said question at a special election within sixty days. [35 G. A., ch. 257, § 2.]

Sec. 2823-u2. **Certification to board of supervisors—collection—limitation.** Boards of school directors in such districts shall fix and certify to the board of supervisors on or before the first Monday of September the amount of money required for the next fiscal year for the support of the aforementioned activities, in the same manner as the amount of necessary taxes for other school purposes is certified and said board of supervisors shall levy and collect a tax upon all the property subject to taxation in said school district at the same time and in the same manner as other taxes are levied and collected by law which shall be equal to the amount of money so required for such purposes by the said board of school directors as provided in this act; provided that the tax so levied upon each dollar of the assessed valuation of all property, real and personal in said district, subject to taxation, shall not in any one year exceed two mills for the purpose of the activities hereinbefore mentioned in this act; the said tax shall not be used or appropriated directly or indirectly for any other purpose than provided in this act. [35 G. A., ch. 257, § 3.]

Sec. 2823-u3. **Duties of school treasurer.** All moneys received by, or raised in such city for the aforementioned purpose shall be paid over to the treasurer of the school district, to be disbursed by him on orders of such board of school directors in such district in the same manner as other funds of said school district are disbursed by him, but the tax provided for in this act shall not be levied or collected nor shall the board of school directors, as provided in this act, have authority to certify the amount of taxes necessary for this purpose until after the question of the levy of such tax shall have been authorized by a majority vote at a regular or special election. [35 G. A., ch. 257, § 4.]

Sec. 2823-u4. **Annual levy.** After the question of the levy of such special tax has been submitted to and approved by the voters as provided in this act, the authority shall remain, and such tax shall be levied and collected annually until such time as the voters of the school district of such city shall by majority vote order the discontinuance of the levy and collection of such tax. [35 G. A., ch. 257, § 5.]

Sec. 2823-u5. **Discontinuance of levy—submission of question.** The board of school directors in any district governed by this act may, and on petition to that effect signed by legally

qualified voters aggregating not less than twenty-five per cent of the number voting at the last preceding school election, shall submit to the electors of such school district the question of discontinuing the levying of such tax as may have been previously authorized under the provisions of this act, and if a majority of the votes cast upon such proposition be in favor thereof, then the levying of such tax shall be discontinued and shall not be resumed unless again authorized under the provisions of section two of this act. [35 G. A., ch. 257, § 6.]

Sec. 2823-u6. **Appropriation by city.** The board of school directors in any district governed by this act is also empowered to receive and expend for the purpose of this act, any sums of money appropriated and turned over to them by the city council or commissioners of such city for such purposes; and the city council or commissioners of such city shall have authority to appropriate and turn over to the board of school directors of the school district containing or contained in such city, any reasonable sums of money which the said council or commissioners may desire to appropriate out of the general funds of such city and turn over to the said board of school directors for the purposes herein set forth. [35 G. A., ch. 257, § 7.]

Sec. 2823-u7. **Power to acquire land for school garden or farm —summer home—objects and purposes.** The school board in cities including cities under special charters and commission form, having a population of twenty thousand or more, is hereby empowered to purchase or lease for educational purposes a tract of land outside of the boundaries of such city, for a school garden or school farm in like manner and under the same restrictions as in the case of school property in the said city and to erect suitable buildings thereon, and to furnish the same, and to appoint managers in a suitable manner. The said tract of land to be maintained for the purpose of providing a summer home for pupils of the city who may desire to continue their study all the year around, and for supplying to them an opportunity to perform productive work in such vocational lines as agronomy, olericulture, viticulture, apiculture, pomology, agriculture, and the auxiliary arts, carpentry, masonry and any other wholesome and voluntary employment and to diversify such work with open air exercises and recreations of both physical and intellectual character; also for enabling the pupils of the elementary schools and of the high school opportunities for visitation and observational study at all seasons in connection with their school work; it being the intent and purpose of this statute to develop in the state of Iowa the educational principle and work commonly comprised in the name "Park Life," as exemplified experimentally and discussed educationally and sociologically in this state.

Where such school garden or school farm is maintained, the said school board shall seek to correlate its functions with the

regular work of the schools in the most practical and efficient manner. [36 G. A. ch. 236, § 1.]

TEXT BOOKS—ADOPTION—PURCHASE—LOANING.

Sec. 2824. **Adoption—contract—agent.** The board of directors of each and every school corporation in the state of Iowa is hereby authorized and empowered to adopt text-books for the teaching of all branches that are now or may hereafter be authorized to be taught in the public schools of the state, and to contract for and buy said books and any and all other necessary school supplies at said contract prices, and to sell the same to the pupils of their respective districts at cost, and said money so received shall be returned to the contingent fund. The books and supplies so purchased shall be under the charge of the board, who may select one or more persons within the county to keep said books and supplies for sale, and, to insure the safety of the books and moneys, the board shall require of each person so appointed a bond in such sum as may seem to the board to be desirable. [25 G. A., ch. 35; 23 G. A., ch. 24, §§ 1, 2.]

Sec. 2825. **Use of general fund—additional tax.** All the books and other supplies purchased under the provisions of this chapter shall be paid for out of the general fund, and the board of directors shall annually certify to the board of supervisors the additional amount necessary to levy for the general fund of said district to pay for such books and supplies. But such additional amount shall not exceed in any one year the sum of one dollar and fifty cents for each pupil residing in the school corporation, and the amount so levied shall be paid out on warrants drawn for the payment of books and supplies only, but the district shall contract no debt for that purpose. [37 G. A. ch. 386 § 10; 25 G. A., ch. 35; G. A., ch. 24, § 2.]

Sec. 2826. **Purchase—exchange.** In the purchasing of text-books it shall be the duty of the board of directors or the county board of education to take into consideration the books then in use in the respective districts, and they may buy such additional number of said books as may from time to time become necessary to supply their schools, and they may arrange on equitable terms for exchange of books in use for new books adopted. [25 G. A., ch. 35; 23 G. A., ch. 24, § 3.]

Sec. 2827. **Suit on bond.** If at any time the publishers of such books as shall have been adopted by any board of directors or county board of education shall neglect or refuse to furnish such books when ordered by said board in accordance with the provisions of this chapter, at the very lowest price, either contract or wholesale, that such books are furnished any other district or state board, then said board of directors or county board of edu-

cation may and it is hereby made their duty to bring suit upon the bond given them by the contracting publisher. [25 G. A., ch. 35; 23 G. A., ch. 24, § 4.]

Sec. 2828. **Bids.** Before purchasing text-books under the provisions of this chapter, it shall be the duty of the board of directors, or county board of education, to advertise, by publishing a notice once each week for three consecutive weeks in one or more newspapers published in the county; said notice shall state the time up to which all bids will be received; the classes and grades for which text-books and other necessary supplies are to be bought, and the approximate quantity needed; and said board shall award the contract for said text-books and supplies to any responsible bidder or bidders offering suitable text-books and supplies at the lowest prices, taking into consideration the quality of material used, illustrations, binding, and all other things that go to make up a desirable text-book; and may, to the end that they may be fully advised, consult the county superintendent, or, in case of city independent districts, with city superintendent or other competent person, with reference to the selection of text-books, provided, that the board may reject any and all bids, or any part thereof, and readvertise therefor as above provided. [31 G. A., ch. 9, § 4; 25 G. A., ch. 35; 23 G. A., ch. 24, § 5.]

Sec. 2829 **Change—question submitted.** It shall be unlawful for any board of directors or county board of education, except as provided in section twenty-eight hundred and twenty-seven of this chapter, to displace or change any text-book that has been regularly adopted or re-adopted under the provisions of this chapter, before the expiration of five years from the date of such adoption or re-adoption, unless authorized to do so by a majority of the electors present and voting at their regular annual meeting in March, due notice of said proposition to change or displace said text-books having been included in the notice for the said regular meeting. [25 G. A., ch. 35; 23 G. A., ch. 24, § 6.]

Sec. 2830. **Samples—lists—bonds.** Any person or firm desiring to furnish books or supplies under this chapter in any county shall, at or before the time of filing his bid hereunder, deposit in the office of the county superintendent samples of all text-books included in his bid, accompanied with lists giving the lowest wholesale and contract prices for the same. And said samples and lists shall remain in the county superintendent's office, and shall be delivered by him to his successor in office, and shall be kept by him in such safe and convenient manner as to be open at all times to the inspection of such school officers, school patrons and school teachers as may desire to examine the same and compare them with others, for the purpose of use in the public schools. The board of directors and the county board of education mentioned shall require of any person or persons with whom

they contract for furnishing any books or supplies to enter into a good and sufficient bond, in such sum and with such conditions and sureties as may be required by such board of directors or county board of education, for the faithful performance of any such contract. But bonds of surety companies duly authorized under the laws of Iowa shall be accepted. [25 G. A., ch. 35; 23 G. A., ch. 24, § 7.]

Sec. 2831. **County board of education—question as to county uniformity.** When petitions shall have been signed by one-third the school directors in any county, other than those in cities and towns, and filed in the office of the county superintendent of such county at least thirty days before the annual school elections, asking for a uniform series of text-books in the county, then such county superintendent shall immediately notify the other members of the county board of education in writing, and within fifteen days after the filing of the petitions said board of education shall meet and provide for submitting to the electors at the next annual meeting the question of county uniformity of school text-books. [28 G. A., ch. 111; 25 G. A., ch. 35; 23 G. A., ch. 24, §§ 8, 9.]

Sec. 2832. **Selection of books—depositories.** Should a majority of the electors voting at such elections favor a uniform series of text-books for use in said county, then the county board of education shall meet and select the school text-books for the entire county, and contract for the same under such rules and regulations as the said board of education may adopt. When a list of text-books has been so selected, they shall be used by all the public schools of said county, except as hereinafter provided, and the board of education may arrange for such depositories as it may deem best, and may pay for said school books out of the county funds, and sell them to the school districts at the same price as provided for in section twenty-eight hundred and twenty-four of this chapter, and the money received from said sales shall be returned to the county funds by said board of education monthly. The boards of school officers, who are hereby made the judges of the school meetings, shall certify to the board of supervisors the full returns of the votes cast at said meetings the next day after the holding of said meetings, who shall, at their next regular meeting, proceed to canvass said votes and declare the result. Unless otherwise ordered by the board of education, the county superintendent shall have charge of such text-books and of the distribution thereof among the depositories selected by the board; he shall render to the board at each meeting thereof itemized accounts of his doings, and shall be liable on his official bond therefor. [28 G. A., ch. 112; 25 G. A., ch. 35; 23 G. A., ch. 24, § 9.]

Sec. 2833. **Proceedings of county board.** The county superintendent shall in all cases be chairman of the county board of edu-

cation, and a full and complete record shall be kept of their proceedings in a book kept for that purpose in the office of the county superintendent. A list of text-books so selected, with their contract prices, shall be reported to the state superintendent with the regular annual report of the county superintendent. [25 G. A., ch. 35; 23 G. A., ch. 24, § 10.]

Sec. 2834. **Officers not to be agents.** It shall be unlawful for any school director, teacher, or member of the county board of education to act as agent for any school text-books or school supplies during such term of office or employment, and any school director, officer, teacher or member of the county board of education who shall act as agent or dealer in school text-books or school supplies, during the term of such office or employment, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be fined not less than ten dollars nor more than one hundred dollars, and pay the costs of prosecution. [25 G. A., ch. 35; 23 G. A., ch. 24, § 11.]

Sec. 2835. **City schools.** The provisions of sections twenty-eight hundred and thirty-one, twenty-eight hundred and thirty-two and twenty-eight hundred and thirty-three of this chapter shall not apply to schools located within cities or towns, nor shall the electors of said cities or towns vote upon the question of county uniformity; but nothing herein shall be so construed as to prevent such schools in said cities and towns from adopting and buying the books adopted by the county board of education at the prices fixed by them, if by a vote of the electors they shall so decide. [25 G. A., ch. 35; 23 G. A., ch. 24, § 12.]

Sec. 2836. **Free text-books—question submitted.** Whenever a petition signed by ten per cent of the qualified voters, to be determined by the school board of any school corporation, shall be filed with the secretary thirty days or more before the annual meeting of the electors, asking that the question of providing free text-books for the use of pupils in the public schools thereof be submitted to the voters at the next annual meeting, he shall cause notice of such proposition to be given in the call for such meeting. [37 G. A., ch. 56; 26 G. A., ch. 37 § 1.]

Sec. 2837. **Loaning—discontinuance.** If, at such meeting, a majority of the legal voters present and voting by ballot thereon shall authorize the board of directors of said school corporation to loan text-books to the pupils free of charge, then the board shall procure such books as shall be needed, in the manner provided by law for the purchase of text-books, and loan them to the pupils. The board shall hold pupils responsible for any damage to, loss of, or failure to return any such books, and shall adopt such rules and regulations as may be reasonable and necessary for the keeping and preservation thereof. Any pupil shall be allowed to purchase any text-book used in the school at cost. No pupil already supplied with text-books shall be supplied with

others without charge until needed. The electors may, at any election called as provided in the last section, direct the board to discontinue the loaning of text-books to pupils. [26 G. A., ch. 37, §§ 2-6.]

Sec. 5028-s. **What prohibited.** That no bills, posters or other matters used to advertise the sales of intoxicating liquors and tobacco shall be distributed, posted, painted or maintained within four hundred feet of premises occupied by a public school or used for school purposes, provided, however, that nothing in this act contained shall apply to advertisements in newspapers of regular publications distributed to subscribers or purchasers thereof. [30 G. A., ch. 137, § 1.]

Sec. 5028-t. **Penalty.** Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars or imprisonment in the county jail not exceeding thirty days. [30 G. A., ch. 137, § 2.]

BEQUESTS—CORPORATIONS MAY RECEIVE.

Sec. 740. **Power to take property by gift or bequest—how administered.** Counties, cities, towns and school corporations, are authorized to take and hold property, real and personal, derived by gifts and bequests; and to administer the same through their proper officers in pursuance of the terms of the gift or bequest; and when made for the establishment of institutions of learning or benevolence, and there is no provisions made in the gift or bequest for the execution of the trust, the court having charge of the probate proceedings in the county shall appoint three trustees, residents of said county, who shall have charge and control the same, and who shall continue to act until removed by the court. And they shall give bond as required in case of executors,

to be approved in the same manner as in case of executors' bonds, and said trustees shall be subject to the orders of said court. [28 G. A., ch. 23, § 1; 26 G. A., ch. 20.]

Sec. 1306-b. **Amount of indebtedness limited.** That section thirteen hundred and six-b of the supplement to the code (1902) and chapter forty-three of the acts of the thirtieth general assembly be and the same are hereby repealed, and the following enacted in lieu thereof:

"No county or other political or municipal corporation shall be allowed to become indebted in any manner or for any purpose to an amount exceeding in the aggregate the amount of one and one-fourth per centum of the actual value of the taxable property within such county or corporation, except that cities and incorporated towns may for the purpose of purchasing, erecting, extending or maintaining and operating waterworks, electric light and power plants, gasworks and heating plants or of building and

constructing sewers, incur an indebtedness, not exceeding in the aggregate, added to all other indebtedness, five per centum of the actual value of the taxable property within such city or incorporated town. The amount of such taxable property shall be ascertained by the last state and county tax list previous to the incurring of such indebtedness." [33 G. A., ch. 82, § 1; 31 G. A., ch. 49, § 1; 30 G. A., ch. 43; 28 G. A., ch. 41, § 2.]

COUNTY HIGH SCHOOLS.

Sec. 2728. **How established.** Any county may establish a high school in the following manner: When the board of supervisors shall be presented with a petition signed by one-third of the electors of the county as shown by the returns of the last preceding election, requesting the establishment of a county high school at a place in the county named therein, it shall submit the question together with the amount of tax to be levied to erect the necessary buildings, at the next general election to be held in the county, or at a special one called for that purpose, first giving twenty days' notice thereof in one or more newspapers published in the county, if any be published therein, and by posting such notice, written or printed, in each township of the county, at which election the vote shall be by ballot, for or against establishing the high school, and for or against the levying of the tax, the vote to be canvassed in the same manner as that for county officers. Should a majority of all the votes cast upon the question be in favor of establishing such school, and the levying of such tax, the board of supervisors shall at once appoint six trustees, residents of the county, not more than two from the same township, who, with the county superintendent of common schools as president, shall constitute a board of trustees for said high school. [27 G. A., ch. 84, § 1; C. '73, §§ 1697-9, 1701.]

Sec. 2729. **Trustees—officers.** The trustees, within ten days after appointment, shall qualify by taking the oath of civil officers, and giving bond in such sum as the board of supervisors may require, with sureties to be approved by it, and shall hold office until their successors are elected and qualified, who shall be elected at the general election following. The trustees then elected shall be divided into two classes of three each and hold their office two and four years respectively, their several terms to be decided by lot; and in all county high schools heretofore established the terms of all trustees therefor shall expire on the first day of January, nineteen hundred and seven, and at the general election in nineteen hundred and six there shall be six trustees elected for each of said county high schools, three of whom shall be elected for two years, and three of whom for four years, and at each general election thereafter three trustees shall be elected for the term of four years, the trustees so elected to qualify in the same manner and at the same time as other county officers and all vacancies occurring to be filled by appointment by the

board of supervisors, the appointee to hold the office until the next general election, and a majority of which trustees shall constitute a quorum for the transaction of business. At the first meeting held in each year, the board shall appoint a secretary and treasurer from their own number, who shall perform the usual duties devolving upon like officers. The treasurer, in addition to his bond as trustee, shall give one as treasurer, in such sum and with such sureties as may be fixed by the board, and receive all moneys from all sources belonging to the funds of the school, and pay them out as directed by the board of trustees, upon orders drawn by the president and countersigned by the secretary; both of which officers shall keep an accurate account of all moneys received and paid out, and at the close of each year, and whenever required by the board, shall make a full itemized and detailed report. [31 G. A., ch. 135; C. '73, §§ 1699, 1700, 1704, 1711.]

Sec. 2730. **Site—tax—approval of electors.** As soon as convenient after the organization of the board, it shall proceed to select the best site that can be obtained without expense to the county, at the place named in the petition upon which the vote was taken, for the erection of the necessary school buildings, the title to be taken in the name of the county, and shall procure plans and specifications for the erection of such buildings, and make all necessary contracts for the erection of the same, the cost of which, when completed, shall not exceed the amount of the tax so levied therefor. They shall also annually make and certify to the board of supervisors on or before the first Monday of September of each year, an estimate of the amount of funds needed for improvements, teachers' wages and contingent expenses for the ensuing year, designating the amount for each, which, in the aggregate shall not exceed in any one year, one mill on the dollar, upon the taxable property of the county. No expenditures for buildings or other improvements shall be made, or contract entered into therefor, by said board, involving an outlay of to exceed five hundred dollars in any one year, without the same first being submitted to the electors of the county in which said school be located, for their approval; the tax to be levied and collected in the same manner as other county taxes, and paid over by the county treasurer in the same manner as school funds are paid to district treasurers. [36 G. A., ch. 234, § 1; 27 G. A., ch. 84, § 2; C. '73, §§ 1702-3, 1705.]

Sec. 2731. **Management.** Said board shall make no purchases, nor enter into any contracts in any year, in excess of the funds on hand and to be raised by the levy of that year. It shall employ, when suitable buildings have been furnished, a competent principal teacher to take charge of the school, and such assistant teachers as may be necessary, and fix the salaries to be paid them, and in the conduct of the school may employ advanced students to assist in the work. Annual reports shall be made by the sec-

retary to the board of supervisors, which report shall give the number of students, with the sex of each, who have been in attendance during the year, the branches taught, the text-books used, number of teachers employed, salary paid to each, amount expended for library, apparatus, buildings, and all other expenses, the amount of funds on hand, debts contracted, and such other information as may be deemed important, and this report shall be printed in at least one newspaper in the county, if any is published therein, and a copy forwarded to the superintendent of public instruction. And for their services the trustees shall each receive the sum of two dollars per day for the time actually employed in the discharge of official duties, claims for services to be presented, audited, and paid out of the county treasury, in the same manner as other accounts against the county. [27 G. A., ch. 84, § 3; C. '73, §§ 1705-6, 1710, 1712.]

Sec. 2732. **Regulations.** The principal of any such high school, with the approval of the board of trustees, shall make such rules and regulations as is deemed proper in regard to the studies, conduct and government of the pupils, and such rules and regulations shall prohibit the use of tobacco in any form by any student of such school; and any pupil who will not conform to and obey such rules may be suspended or expelled therefrom by the board of trustees. Said board of trustees shall make all necessary rules and regulations in regard to the age and grade of attainments necessary to entitle pupils to admission into the school, and shall on or before the tenth day of July of each year make an apportionment between the different school corporations of the county, of the pupils that shall attend said school, and shall apportion to each of said school corporations its proportionate number, based upon the number of pupils that can be reasonably accommodated in said school, and the number of pupils of school age, actual residents of such school corporations, as shown by the county superintendent's report last filed with the county auditor of said county; said apportionment shall be published in the official papers of such county, to be paid for as other county printing; pupils from said school corporations to the number so designated in such apportionment shall be entitled to admission into said school, tuition free, and none others, and it shall be unlawful to accredit pupils so attending to any other school corporation than the one in which they are enumerated for school purposes. Should there be more applicants for such admission from any school corporation than its proportionate number, so determined, then the board of directors of such school corporation shall designate which of said applicants shall be entitled to so attend. If the school shall be capable of accommodating more pupils than those attending under such apportionment, others may be admitted by the board of trustees, preference at all times being given to pupils desiring such admission, who are residents of the county. The board of trustees shall fix reasonable tuition for such pupils. If such pupils are residents

of the county the school corporation from which they attend shall pay their tuition out of its contingent fund. The principal of such high school shall report to the said board of trustees under oath, at the close of each term, the names and number of pupils attending such school during said term, from what school corporation they attended, and the amount of tuition, if any, paid by each, the same to be included in the annual report of the secretary of the board of trustees to the board of supervisors, provided for in section twenty-seven hundred thirty-one of the code, the tuition so paid to be turned over to the treasurer of the board of trustees to be used in paying the expense of said school under the direction of said board. [35 G. A., ch. 241, § 1; 27 G. A., ch. 84, § 4; C. '73, § 1709.]

Sec. 2733-a. **Petitions to abolish—election.** Whenever citizens of any county having a county high school desire to abolish the same or to dispose of any part of the buildings or property thereof, they may petition the board of supervisors at any regular session thereof in relation thereto, and sections three hundred ninety-seven, three hundred ninety-eight, three hundred ninety-nine and four hundred of the code shall apply to and govern the whole matter, including the manner of presenting and determining the sufficiency of such petitions and remonstrances thereto, so far as applicable. If an election is ordered the same shall be held at the time of the general election or at a special election called for that purpose and the proposition shall be submitted and the election conducted in the manner provided in title six of the code. If any proposition as herein provided be legally submitted and adopted, the board of supervisors is hereby empowered to carry the same into effect. [27 G. A., ch. 84, § 5.]

Sec. 1072. **County officers—election of county superintendent of schools by convention.** That section ten hundred seventy-two of the code be and the same is hereby repealed, and the following enacted in lieu thereof.

There shall be elected in each county, at the general election in nineteen hundred and six, and in each even-numbered year, thereafter an auditor, a treasurer, a clerk of the district court, a sheriff, a recorder of deeds, a county attorney, and a coroner, who shall hold office for the term of two years or until their successors are elected and qualified. On the first Tuesday in April in the year nineteen hundred fifteen, and each third year thereafter, and whenever a vacancy occurs in the office of county superintendent of schools, a convention shall be held at the county seat for the purpose of electing a county superintendent of schools, at which convention each school township, city, town or village independent district and each independent consolidated district in the county shall be entitled to one vote. Each such school corporation shall be represented at the convention by the president of the school board, or in his absence or inability to

act, by some member of such school board, to be selected by the board. It is further provided, however, that where a congressional township is composed in whole or in part of rural independent districts that such rural independent districts shall be entitled to one vote in the convention, which vote shall be cast by such person as may be selected by the presidents of the component rural independent districts within such township at a meeting to be held at such time and place as the county auditor shall fix in the written notice hereinafter provided for. All representatives to such convention shall serve until a county superintendent is elected and qualified. Such conventions shall be called by the county auditor by mailing a written notice to the president and secretary of each school corporation at least ten days prior to the date of such convention and by the publication of such notice in the official newspapers published in the county. The county auditor shall be the secretary of such convention and shall call same to order and submit a list of the school corporations entitled to participate in such conventions. Said convention shall organize by the selection of a chairman and when so organized, shall elect a county superintendent of schools, who shall possess the qualifications required by law and shall hold the office for the term of three years and until his successor is elected and qualified. Such convention may by a majority vote select a committee consisting of five members whose duty shall be to investigate the various candidates for the office of county superintendent and report to said convention at a subsequent day to which the convention may adjourn; or by a three-fourths vote of such convention, said committee may be authorized to elect a county superintendent and file its election with the county auditor, and said person shall be deemed duly elected to such office. There shall also be held one of such conventions on the first Monday of April, 1919, at which there shall be elected six persons outside the membership of such convention, who with the county superintendent, ex officio, shall constitute the county board of education. Such persons shall be reputable citizens of the county, of good educational qualifications and whose term of office shall begin the first day of May, 1919, and continue until their successors are selected and qualified. Three of whom shall be elected for the term of two years and three for the term of five years, and thereafter beginning with the regular convention in 1921, three members shall be elected every three years for the term of six years, and until their successors are selected and qualified. All persons elected or appointed on said board shall qualify on or before ten days following their election or appointment, and at the time of their election or appointment must be citizens of the United States, over twenty-one years of age, and residents of the state for a period of six months, and the county sixty days, prior to their election or appointment, and the members of said board may be of either sex, and not more than one member, other than the county superintendent, shall be from

the same school corporation. Vacancies in said board to be filled by the board until the next regular convention, when such convention shall fill all vacancies, provided, however, if the members of said board be reduced below a quorum a convention shall be called as provided by law, to fill vacancies. A majority of said board shall constitute a quorum for the transaction of business. The members of said board shall take an oath of office as provided by law for all county officers. The members of said board, except the county superintendent, shall serve without pay, but shall be allowed their actual necessary expenses in performing their duties not to exceed forty dollars each, annually, to be audited by the board of supervisors and paid out of the general fund. Meetings of said board shall be held on the second Monday of August and February in each year at the office of the county superintendent, and other meetings on call of the county superintendent, or on written request of any three members filed with the county superintendent. Said board shall perform all duties prescribed by law for the county board of education, and upon all matters referred to them by him shall act as an advisory board to the county superintendent, and shall co-operate with him in formulating plans and regulations for the advancement and welfare of the schools under his supervision. A majority of representatives herein provided shall constitute a quorum, such representatives to receive ten cents per mile one way for the distance necessarily traveled in attending such convention, to be paid from the county treasury. [38 G. A., ch. 302; 35 G. A., ch. 107, § 1; 34 G. A., ch. 24, § 1; 31 G. A., ch. 39; 23 G. A., ch. 37, § 2; 21 G. A., ch. 73, § 1; C. '73, § 589; R., §§ 224, 472-3; C. '51, § 96.]

In effect by publication March 18, 1919.

Sec. **1304. Exemptions.** The following classes of property are not to be taxed:

1. The property of the United States and this state, including university, agricultural college and school lands; the property of a county, township, city, town or school district or militia company, when devoted entirely to public use and not held for pecuniary profit; municipal, school, and drainage bonds or certificates hereafter issued by any municipality, school district, drainage district or county within the state of Iowa; public grounds including all places for the burial of the dead, crematoriums, the land on which they are built and appurtenant thereto not exceeding one acre, so long as no dividends or profits are derived therefrom; fire engines and all implements for extinguishing fires, with the grounds used exclusively for their buildings and meetings of the fire companies; no deduction from the assessment of the stock of any bank or trust company shall be permitted because of such bank or trust company holding such bonds and certificates as may be exempted above;

2. All grounds and buildings used for public libraries, including libraries owned and kept up by private individuals, associations or corporations for public use and not for private profit, for cemetery associations and societies, and for literary, scientific, charitable, benevolent, agricultural and religious institutions, and societies devoted solely to the appropriate objects of these institutions, not exceeding one hundred sixty acres in extent, and not leased or otherwise used with a view of pecuniary profit, but all deeds or leases by which such property is held shall be filed for record before the property above described shall be omitted from the assessment; the books, papers and apparatus belonging to the above institutions, used solely for the purposes above contemplated, and the like property of students in any such institution used for their education; moneys and credits belonging exclusively to such institutions, and devoted solely to sustaining them, but not exceeding in amount or income the amount prescribed by their charters or articles of incorporation; real estate to the extent of not to exceed one hundred sixty acres in any civil township, owned by any educational institution of this state as a part of its endowment fund, shall not be taxed. [36 G. A., ch. 97, § 1; 36 G. A., ch. 237, § 1; 35 G. A., ch. 117, § 1; 35 G. A., ch. 116, § 1; 35 G. A., ch. 115, § 1; 34 G. A., ch. 61, § 1; 34 G. A., ch. 62, § 1; 33 G. A., ch. 81, §§ 1 & 2; 32 G. A., ch. 54; 31 G. A., ch. 48; 29 G. A., ch. 56, § 1; 26 G. A., ch. 29; 21 G. A., ch. 97; C. '73, § 797; R., § 711; C. '51, § 455.]

Sec. 2468-k. **Fire drills in public schools—exits unlocked bulletin—teachers—penalty.** It shall be the duty of the state fire marshal and his deputies to require teachers of public and private schools, in all buildings of more than one story, to have at least one fire drill each month, and to require all teachers of such schools, whether occupying buildings of one or more stories, to keep all doors and exits of their respective rooms and buildings unlocked during school hours. The state fire marshal shall prepare a bulletin upon the causes and dangers of fires, arranged in not less than four divisions or chapters, and under the direction of the executive council shall publish and deliver the same to the public schools throughout the state, and the teachers thereof shall be required to instruct their pupils in at least one lesson each quarter of the school year with reference to the causes and dangers of fires. Any teacher failing to comply with the provisions of this section shall be guilty of a misdemeanor and shall be punishable by a fine of not to exceed ten dollars for each offense. [34 G. A., ch. 128, § 11.]

Sec. 4999-a6. **Protection against fire—means of escape.** The owners, proprietors and lessees of all buildings, structures or enclosures of three or more stories in height, now constructed or hereafter to be erected, shall provide for and equip said buildings and structures with such protection against fire and means

of escape from such buildings as shall hereafter be set forth in this bill. [30 G. A., ch. 136, § 1; 29 G. A., ch. 150, § 1.]

A two-story school building with a basement five feet above ground will be regarded as a three-story building.

Sec. 4999-a7. **Buildings and enclosures—how classified.** The buildings, structures and enclosures contemplated in this act shall be classified as follows:

First. Hotels, office buildings or lodging rooms, including boarding houses in which sleeping rooms are kept for rent or hire, of three or more stories in height.

Second. Tenements or boarding houses, of three or more stories in height, occupied by one or more families or aggregating twenty persons or more; provided that a mansard roof or attic, when used for sleeping rooms, shall be counted as one story.

Third. Buildings used as opera houses, theaters or public halls, of a seating capacity exceeding three hundred.

Fourth. Seminaries and colleges, public school buildings, hospitals and asylums, of three or more stories in height.

Fifth. Manufactories, warehouses and buildings of all character of three or more stories in height, not specified in the foregoing sections.

Sixth. Hotels and other buildings which are of strictly fireproof construction. [35 G. A., ch. 305, § 1; 30 G. A., ch. 136, § 2; 29 G. A., ch. 150, § 2.]

Sec. 4999-a9. **Class of escapes to be supplied—certain classes forbidden—discretionary power of commissioner—stairways.** Hotels, lodging houses, tenements, apartment buildings, schools, retail or department stores, seminaries, and college buildings, office buildings, hospitals, asylums, opera houses, theatres, assembly halls and factories required to be equipped by law shall be equipped with escapes of class "A" or class "B". All other buildings and structures required to be equipped with fire escapes shall be equipped with some one or more of said classes of fire escapes. [36 G. A., ch. 302, § 4; 33 G. A., ch. 220, § 1; 30 G. A., ch. 136, § 4.]

TEACHING OF CITIZENSHIP.

AN ACT requiring the teaching of American citizenship in the public and private schools located in the state of Iowa and providing for an outline of such subjects.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. All public and private schools located within the state of Iowa shall be required to teach the subject of American citizenship.

Sec. 2. The superintendent of public instruction shall prepare and distribute to all elementary schools an outline of American citizenship for all grades from one to eight inclusive.

Sec. 3. Public and private high schools, academies, and other institutions ranking as secondary schools which maintain three year courses of instruction shall offer a minimum of instruction in American history and civics of the state and nation to the extent of two semesters, and schools of this class which have four year courses shall offer in addition one semester in social problems and economics.

Sec. 4. The superintendent of public instruction shall distribute to all high schools, academies, and institutions ranking as secondary schools, an outline of a course of study in American history, civics of the state and nation, social problems and economics prepared under his direction. [38 G. A., ch. 406.]

ENGLISH LANGUAGE IN SCHOOLS.

AN ACT requiring the use of the English language as the medium of instruction in all secular subjects in all schools within the state of Iowa.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. That the medium of instruction in all secular subjects taught in all of the schools, public and private, within the state of Iowa, shall be the English language, and the use of any language other than English in secular subjects in said schools is hereby prohibited, provided, however, that nothing herein shall prohibit the teaching and studying of foreign languages as such as a part of the regular school course in any such school, in all courses above the eighth grade.

Sec. 2. That any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00). [38 G. A., ch. 198.]

STANDARD RURAL SCHOOLS.

AN ACT providing for the standardization of rural schools and granting state aid and providing for an appropriation therefor.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Any school maintained by a district wholly outside a city, town, or village corporation or consolidated independent district which has complied with the provisions of this act shall be known as a standard school. Every standard school before it may be designated as such shall have been maintained for eight months during the previous year and shall conduct school for eight months of each succeeding year. It shall have a suitable school house, grounds, and outbuildings in proper condition and repair; be equipped with needful apparatus, text-books, sup-

plies; and adequate system of heating and ventilation; have done efficient work and have complied with such requirements as shall be specified by the superintendent of public instruction.

Sec. 2. It shall be the duty of the superintendent of public instruction to prescribe and promulgate the requirements he shall deem necessary for standard schools as to minimum requirements for standards of teaching, general equipment, heating and ventilation, lighting, seating, water supply, library, care of grounds, safety against fire, and such other requirements as will conserve the health, safety and welfare of the children attending school; and prescribe such other requirements as he shall deem necessary for the upbuilding and improvement of such schools.

Sec. 3. On or before June 30th of each year and at such other time as the superintendent of public instruction may direct the county superintendent of schools shall make reports and furnish such other data in regard to said schools as the department of public instruction may desire on blanks to be furnished by the superintendent of public instruction.

Sec. 4. State aid shall be given to rural districts maintaining one or more standard schools to the amount of six dollars ($6.00), for each pupil who has attended said schools in said district at least six months of the previous year.

Sec. 5. No school shall be deemed a standard school unless the teacher is the holder of a first grade uniform county certificate or its equivalent, has contracted for the entire school year, and unless such school shall have maintained an average daily attendance of at least ten pupils.

Sec. 6. Each standard school shall be furnished by the superintendent of public instruction with a suitable door plate or mark of identification and the expense of the same shall be paid from the fund created by this act for the promotion of standard schools.

Sec. 7. Upon receiving from the county superintendent a satisfactory report showing that any rural school has fulfilled the requirements of a standard school, the superintendent of public instruction shall issue a requisition upon the auditor of state for the amount due any rural school district entitled to state aid for the school year just past; whereupon the auditor of state shall draw a warrant on the treasurer of state payable to the secretary of the school corporation entitled thereto and forward to the secretary of said school corporation who shall cause the same to be deposited with the other funds of the district. The money shall be expended in the district or districts maintaining standard schools in amounts proportionate to the number of pupils upon which state aid was granted. The secretary shall issue a warrant in favor of the teacher to the amount of one-half the subsidy due each such school and the school board shall, with

the assistance of the county superintendent, expend the remainder in improvements and necessary apparatus. If more than one teacher is employed in a school the amount shall be apportioned between them according to the time of their employment.

Sec. 8. For the purpose of carrying out the provisions of this act there is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of one hundred thousand dollars ($100,000.00) annually, which fund if not all used shall be allowed to accumulate, and shall not be turned back into the state treasury nor used for any purpose other than herein provided. [38 G. A., ch. 364.]

MINING CAMP SCHOOLS.

AN ACT to provide for an appropriation of $50,000.00 for relieving the situation in coal mining camps as to school facilities.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. There is hereby appropriated from the state treasury out of funds not otherwise appropriated the sum of fifty thousand dollars ($50,000.00), or so much thereof as may be necessary to be used by the state superintendent of public instruction and under his direction during the next biennium for the purpose of relieving the conditions existing in the mining camps in the state of Iowa, so far as school facilities are concerned. [38 G. A., ch. 373.]

DENTAL CLINICS FOR CHILDREN.

AN ACT providing for the establishment of dental clinics for school children and the offering of certain courses of instruction in certain schools and the employment of dentists and dental hygienists by public school corporations.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Boards of school directors in all school districts containing one thousand or more inhabitants are hereby authorized to establish and maintain in connection with the schools of such districts, a dental clinic for children attending such schools, and to offer courses of instruction on mouth hygiene. Said boards are hereby empowered to employ such legally qualified dentists and dental hygienists as may be necessary to accomplish the purpose of this act, and pay the expense of the same out of the general fund. [38 G. A., ch. 91.]

EMPLOYMENT OF NURSES.

AN ACT giving boards of supervisors, city and town councils, and school boards the authority and power to employ visiting or public health nurses and to pay the salary and expenses thereof.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. That the boards of supervisors, the city and town councils, and the school boards in this state shall have the power

and authority to employ visiting or public health nurses at such periods each year and in such numbers as they may deem advisable and to pay the salaries and expenses thereof from the funds in the treasuries of said boards and councils.

Sec. 2. That the said boards of supervisors, the city and town councils and the school boards in any county in the state may cooperate in the employment of said visiting or public health nurses and may apportion the salaries and expenses thereof to the various territories represented by them.

Sec. 3. That the said boards of supervisors, the city and town councils, and the school boards shall at the time of employment of visiting or public health nurses prescribe the duties thereof which shall in a general way be for the promotion and conservation of the public health.

Sec. 4. This act being deemed of immediate importance, shall take effect and be in force from and after its passage and publication in the Des Moines Register and the Des Moines Capital, newspapers published in the city of Des Moines, Iowa. [38 G. A., ch. 290.]

USE OF SCHOOL PROPERTY FOR PUBLIC PURPOSES.

Section 1. **Use of school houses and grounds for public purposes.** The board of directors of any school corporation may authorize the use of any school house and its grounds within such corporation and not within the limits of a city or town for the purpose of meetings of granges, lodges, agricultural societies and similar rural secret orders and societies and for election purposes; such use to be for such compensation and upon such terms and conditions as may be fixed by said board for the proper protection of the school house and the property belonging therein, including that of pupils. Any compensation for such use shall be paid into the contingent fund and be expended in the upkeep and repair of such school property, and in purchasing supplies therefor. Provided, however, that if at any time the voters of such corporation at any annual meeting forbid such use of any such school house or grounds, the board shall not thereafter permit such use until the action of such voters shall have been rescinded by the voters at an annual meeting called for that purpose. [37 G. A., ch. 229.]

MARGINAL RELEASE OF SCHOOL FUND MORTGAGES.

Section 1. That the release or satisfaction of any school fund mortgage entered on the margin of the record of such mortgage by the auditor of the county prior to July 4, 1894, be and the same is hereby legalized and given the same force and effect as though

such auditor had had at the time of entering such release or satisfaction the same power thereafter conferred upon him by chapter fifty-three (53) of the acts of the twenty-fifth general assembly. [37 G. A., ch. 339.]

TEACHERS' RETIREMENT FUND.

Section 1. Any independent school district having a population of seventy-five thousand (75,000) or more may establish a pension and annuity retirement system for the public school teachers of such district.

Sec. 2. The fund for such retirement system shall be created by an annual tax not exceeding two-tenths (2-10) of a mill on the dollar, by an assessment of the teachers not exceeding one per cent of their salaries in any one year, and by the interest on any permanent fund which may be created by gift, bequest or otherwise.

Sec. 3. The board of directors of the independent school district shall constitute the board of trustees and shall formulate the plan of the retirement; and shall make necessary rules and regulations for the operation of said retirement system. [37 G. A., ch. 387.]

PUBLIC SCHOOL CORPORATIONS MAY MAINTAIN SCHOOLS FOR BLIND AND DEAF.

Section 1. Any school corporation having residing therein five or more blind children of school age shall have authority to provide one or more instructors to provide instruction for such blind pupils substantially equivalent to the work required in the first eight grades of the graded schools. Such course of instruction and instructors to be approved by the superintendent of public instruction.

Sec. 2. Any school corporation having residing therein five or more deaf children of school age shall have authority to provide one or more instructors to provide instructions for such deaf pupils substantially equivalent to the work required in the first eight grades of the graded schools. Such course of instruction and instructors to be approved by the superintendent of public instruction.

Sec. 3. State aid, in the sum of one hundred dollars per year for each such blind or deaf pupil receiving instruction in any such school corporation, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the same to be paid to the treasurer of the school corporation at the end of each school year; provided, however, that to be entitled to such state aid such instruction shall be given for a period of at least ten school months each year.

Sec. 4. To be entitled to such state aid the courses and methods of instruction must comply with such requirements as may be outlined by the superintendent of public instruction and shall include every modern method of instruction known to the professions. [37 G. A., ch. 308.]

PUBLIC EVENING SCHOOLS.

Section 1. The school board of any organized school district within the state is hereby authorized and empowered under the control and supervision of the city or county superintendent to establish and maintain public evening schools as a branch of the public schools when said school board shall deem advisable for the public convenience and welfare, and said evening schools shall be available to all persons over sixteen (16) years of age, who from any cause are unable to attend the public day schools of such district.

Sec. 2. Whenever in any organized school district within the state there shall be residing ten or more persons over sixteen (16) years of age who desire instruction at an evening school in the common branches, it shall be the duty of the school board of such organized school district to establish and maintain an evening school for such instruction throughout a period of not less than three months of every school year and for not less than two hours at least two times each week during the term of such evening schools, which school shall be under the control and supervision of the city or county superintendent. [37 G. A., ch. 97.]

TRAINING IN TEACHING SERVICE.

AN ACT to provide training in teaching service for the Iowa State Teachers College, State University of Iowa and College of Agriculture and Mechanic Arts and to furnish instruction to pupils in school districts under contract between the board of directors and the state board of education.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. The board of directors of any school district in the state of Iowa may enter into contract with the state board of education for furnishing instruction to pupils of such school district, and for training teachers for the schools of the state, in such particular lines of demonstration and instruction as are deemed necessary for the Iowa State Teachers College, State University of Iowa and College of Agriculture and Mechanic Arts as training schools for teachers.

Sec. 2. The contract for such instruction shall authorize the payment for such service furnished the school district or for such service furnished the state, the amount to be agreed upon by the officers of the state and of the school district thus co-operating.

Sec. 3. Such contracts shall be in writing and shall extend over a period of not to exceed two years and a copy thereof shall be filed in the office of the superintendent of schools of the county.

Sec. 4. . This act, being deemed of immediate importance, shall go into effect when published in the Des Moines Register and the Des Moines Capital, newspapers published at Des Moines, Iowa. [38 G. A., ch. 187.]

EDUCATION OF BLIND AND DEAF.

AN ACT to repeal sections twenty-seven hundred eighteen-c (2718-c), twenty-seven hundred eighteen-d (2718-d), twenty-seven hundred eighteen-e (2718-e) and twenty-seven hundred eighteen-f (2718-f), supplement to the code, 1913, and to enact substitutes therefor and relating to the required attendance of deaf children and blind children at the respective state schools, and for excuse therefrom, and providing a penalty for failing to comply with the provisions of this act, and appropriating funds for carrying out provisions of this act, including the compensation of agent to enforce provisions of this act.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Children, residents of the state, between the ages of seven and nineteen years, who are so deaf as to be unable to obtain an education in the common schools must be sent either by his parents or guardian to attend the Iowa School for the Deaf, unless exempted as hereinafter provided.

Sec. 2. Any person having such a child under his control and who fails to comply with any of the provisions of this act and any person who induces or attempts to induce any deaf child to absent himself or herself from school or employs or harbors any such child while such school is in session shall be deemed guilty of a misdemeanor, and shall be imprisoned in the county jail not more than thirty days or be fined not to exceed one hundred dollars.

Sec. 3. The superintendent of the Iowa School for the Deaf, with the approval of the state board of education in the individual case, may excuse attendance when satisfied:

a. That the child is in such bodily or mental condition as to prevent or render futile his or her attendance at school.

b. That the child is so diseased or possesses such habits as to render his or her presence a menace to the health or morals of other pupils.

c. That the child is a regular attendant at a day school for the deaf maintained under the provisions of chapter three hundred eight (308) of the acts of the thirty-seventh general assembly, or is efficiently taught for the scholastic year in a private or other school devoted to instruction of the deaf, or by private tutor, the branches taught in the public schools.

Sec. 4. That the state board of education be and is hereby authorized to employ an agent to aid in the enforcement of the provisions of this act. It shall be the duty of such agent under the direction of the state board of education to seek out children who should be in attendance, and see to it that they are properly enrolled and installed as students in such school unless exempted as heretofore provided, and to file information against and to appear in proceedings against any person or persons who may interfere or attempt to interfere with the carrying out of the provisions of this act. Such agent shall be allowed compensation at a rate fixed by the state board of education and also necessary actual traveling and hotel expenses while away from home in the performance of such duty.

Sec. 5. For the purpose of carrying out the provisions of this act there is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, such sum as may be necessary, and such appropriation shall be available for the school year 1919-1920 and annually thereafter, and warrants against the same shall be drawn by the auditor of state upon certification by the state board of education, when passed by the state board of audit.

Sec. 6. That sections twenty-seven hundred eighteen-c (2718-c), twenty-seven hundred eighteen-d (2718-d), twenty-seven hundred eighteen-e (2718-e), and twenty-seven hundred eighteen-f (2718-f), supplement to the code, 1913, be and the same is hereby repealed.

Sec. 7. The provisions of this act shall apply likewise to blind children of the state of like ages with regard to attendance at the college for the blind, and the agent appointed by the state board of education under section four (4) of this act shall perform the same duties with regard to blind children as those imposed herein with regard to deaf children. [38 G. A., ch. 120.]

FOR PUBLIC SCHOOL PARKS.

AN ACT to empower school boards, under stated conditions, to purchase or lease for stated educational purposes comprised under the term, Park Life tracts of land and to improve the same for purpose of establishing thereon summer homes or school for children who desire to continue their studies in useful pursuits throughout the year, and to define the purposes, functions and objects of such schools.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Acquisition by school boards of grounds for school garden or farm, etc. The school board in cities including cities under special charters and commission form, having a population of twenty thousand or more, is hereby empowered to purchase or lease for educational purposes a tract of land outside of the boundaries of such city, for a school garden or school farm in like manner and under the same restrictions as in the case of school property in the said city and to erect suitable buildings thereon,

and to furnish the same, and to appoint managers in a suitable manner. The said tract of land to be maintained for the purpose of providing a summer home for pupils of the city who may desire to continue their study all the year round, and for supplying to them an opportunity to perform productive work in such vocational lines as agronomy, olericulture, viticulture, apiculture, pomology, agriculture, and the auxiliary arts, carpentry, masonry, and any other wholesome and voluntary employment, and to diversify such work with open air exercises and recreations of both physical and intellectual character; also for enabling the pupils of the elementary schools and of the high school opportunities for visitation and observational study at all seasons in connection with their school work; it being the intent and purpose of this statute to develop in the state of Iowa the educational principle and work commonly comprised in the name "park life", as exemplified experimentally and discussed educationally and sociologically in this state.

Where such school garden or school farm is maintained, the said school board shall seek to correlate its functions with the regular work of the schools in the most practical and efficient manner.

ENCOURAGEMENT OF AGRICULTURAL TRAINING.

AN ACT to encourage boards to provide the school children of their respective districts with agricultural training work and recreation in the manner contemplated by chapter 14-e, title XIII, supplemental supplement to the code, 1915, providing state aid to all such school districts, fixing the terms and conditions under which such state aid shall be granted, and appropriating the sum of two thousand dollars ($2,000.00) to carry out the purpose of this act.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. That whenever a school board, acting under and in accordance with the provisions of chapter 14-E, title XIII, supplemental supplement to the code, 1915, shall provide agricultural training, work and recreation of a practical character upon suitable grounds easily accessible to the school children of that district for at least three consecutive years for not less than six or more than ten weeks' duration during each year, and with a bona fide enrollment of at least fifty (50) pupils during each year of said period and shall make an exhibit showing a successful experience in carrying out such enterprises or activities over a period of at least two years (2), the school district providing such training shall be paid annually, commencing with the third year (3), out of the state school fund, not otherwise appropriated, a sum equal to two dollars ($2.00) per capita per week for each pupil who pursues such wholesome and voluntary activities during at least two-thirds of the period during which such opportunity is provided.

Sec. 2. That whenever a school board, acting under and in accordance with the provisions of chapter 14-E, title XIII, supplemental supplement to the code, 1915, shall provide the necessary grounds, equipment and instruction for the training of teachers and young people in nature study and experimentation in forestry, gardening, fish culture and the fostering of fruit life and animal life, correlating the same with regular school work of the district, the school district providing such training shall be paid annually out of the state school fund, not otherwise appropriated, an amount equal to one-half the sum annually appropriated by said school board and actually expended by it in carrying out the purpose contemplated by this act.

Sec. 3. That the school board of any district carrying out any of the provisions of chapter 14-E, title XIII, supplemental supplement to the code, 1915, may, at its option, in carrying out of any such enterprise use its apparatus, school furnishing or other necessary equipment.

Sec. 4. The secretary of any school board acting under the provisions of said chapter 14-E, title XIII, supplemental supplement to the code, 1915, shall, if such district is entitled to state funds under the provision of this act, prepare a voucher for the amount due his school district by the state of Iowa, which voucher shall be fully itemized, verified by the secretary of said school board and have attached thereto the certificate of the superintendent of said school board certifying to what such school district has actually done during the preceding year in carrying out the purpose of the said chapter 14-E, title XIII, supplemental supplement to the code, 1915, and when such voucher so prepared is presented to the auditor of the state, he is hereby authorized and directed to thereupon draw a state warrant, payable to said school district, for the amount called for in said voucher upon the school funds of the state; and the treasurer of state is hereby authorized and directed when presented with such warrant properly endorsed, to pay the amount of such warrant to the school district named as payee therein out of said state school fund not otherwise appropriated.

Sec. 5. There is hereby appropriated out of any money in the state school fund, not otherwise appropriated, the sum of two thousand dollars ($2,000.00) for the purpose of carrying out the provisions of this act. [38 G. A., ch. 354.]

JUVENILE COURT COMMITMENTS.

AN ACT to amend section two hundred fifty-four-a20 (254-a20), supplement to the code, 1913, relating to commitments in juvenile courts.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. That section two hundred fifty-four-a20, supplement to the code, 1913, be and the same is hereby amended by

adding after the "period" following the word "charge" in the last line of said section the words: "No child under the age of ten years shall be committed to the training school for boys or the training school for girls; but such children shall be eligible to admission to the Soldiers' Orphans' Home at Davenport, Iowa, under the laws and rules applying to the admission of other children to this institution"

Sec. 2. This act being deemed of immedate importance, shall take effect and be in force from and after its publication in the Des Moines Register and Des Moines Capital, newspapers published in Des Moines, Iowa. [38 G. A., ch. 12.]

LEGALIZING ACT AT BOUTON.

AN ACT authorizing the Independent School District of Bouton, in Dallas county, Iowa, to issue its warrants in excess of the funds available and authorizing a tax levy to pay the same.

Whereas, the board of school directors of the Independent School District of Bouton in Dallas county, Iowa, did in 1918 estimate the amount required for the general fund of said district and certify the same to the board of supervisors of Dallas county, and

Whereas, the amount required of said general fund and certified as aforesaid was in excess of the amount which might be levied as provided by law and

Whereas, the amount to be raised by the levy made by the board of supervisors is insufficient to keep the schools in said district in operation and enable the board of directors thereof to perform its contracts with teachers and other employees, and

Whereas, the additional amount required is the sum of two thousand two hundred fifty dollars and fifty cents ($2250.50); now therefore

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. That said Independent School District of Bouton is authorized to issue its warrants for the payment of the necessary expenses of the operation of the schools in said district, not exceeding in total amount the sum of two thousand two hundred fifty dollars and fifty cents ($2250.50) and that the board of directors of said district shall certify to the board of supervisors of Dallas county at the same time and in the same manner that it next certifies the amount required for the general fund, the total amount required to pay the warrants issued or to be issued as hereinbefore provided: and that the said board of supervisors shall at the time of levying taxes as provided by law, levy upon the property within said school district and cause to be entered upon the tax list a tax sufficient to raise the amount so certified, which levy shall be in addition to the levy for the general fund

and shall not be considered in determining the amount authorized by law to be raised for the general fund.

Sec. 2. This act, being deemed of immediate importance shall take effect and be in force from and after its publication in The Des Moines Register, a newspaper published in Des Moines, Iowa, and the Bouton Press, a newspaper published in Bouton, Dallas county, Iowa. Publication expense to be borne by school corporation. [38 G. A., ch. 282.]

STATE BOARD OF VOCATIONAL EDUCATION.

Section 1. That the following words and phrases as used in this act shall have the following meanings:

1. "Approved school, department or class" shall mean a school, department or class approved by the state board for vocational education as entitled under the provisions of this act to federal moneys for the salaries of teachers of vocational subjects.

2. "Approved teachers' training school, department or class" shall mean a school, department or class approved by the state board for vocational education as entitled under the provisions of this act to federal moneys for the training of teachers of vocational subjects.

Sec. 2. That a state board to be known as the state board for vocational education is hereby created. Such state board for vocational education shall consist of three members as follows: The state superintendent of public instruction, who shall be chairman, the president of the state board of education, and the commissioner of the bureau of labor statistics.

Sec. 3. That such state board shall have the duty and be given all necessary power to provide for making studies and investigations relating to prevocational and vocational training in agricultural, industrial, home economics and commercial subjects; to promote and aid in the establishment of local communities of public schools, departments and classes giving instruction in such subjects; to co-operate with local communities in the maintenance of such schools, departments and classes; to establish standards for, test the qualifications of, and to certificate teachers of such subjects in such approved schools, departments and classes; and to co-operate in the maintenance of teachers' training schools, departments and classes supported and controlled by the public for the training of teachers and supervisors of such subjects

Sec. 4. That such state board shall appoint a committee to be known as the state advisory committee for vocational education, consisting of nine members; three of these members to serve for one year, three for two years, and three for three years, and all members thereafter for three years each. The membership of such state advisory committee shall consist of one mem-

ber experienced in agriculture, one employer, one representative of labor, one woman experienced in woman's work, one person experienced in business and commerce, one person of experience in social work, and three educators. Such state advisory committee shall meet in conference with such state board at least two times a year and at such other times as such state board shall deem advisable and shall have the duty and responsibility of giving advice and suggestions to such state board concerning prevocational and vocational education, the training of teachers of agriculture, industrial, household arts and commercial subjects, and the administration of this act. The members of such state advisory committee shall be reimbursed for their actual expenses incurred in attending such conference.

Sec. 5. That, in order to meet the requirements, that for each dollar of federal money expended for the salaries of teachers in approved schools, departments and classes, the state or local community, or both, must expend an equal amount for the maintenance of such instruction, the state shall pay for the salaries of teachers of vocational subjects in such approved schools, departments and classes, an amount equal to the amount of federal money which they receive for the same purpose for the same year. Such state board for vocational education shall recommend to each session of the general assembly the amount of money which should be appropriated by the general assembly for such approved schools, departments and classes for each succeeding biennium; whenever in any year the federal and state funds available shall not be sufficient to meet the requirements of the schools, departments or classes thus formulated, the state board of vocational education shall as nearly as practicable prorate the moneys available for such purpose.

Sec. 5-a. For the purpose of carrying out the provisions of this act, there is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of forty thousand dollars for the year ending June 30, 1920, and the sum of fifty thousand dollars for the year ending June 30, 1921.

Sec. 6. That such board shall establish standards and annually inspect, as a basis of approval, all schools, departments and classes applying for federal moneys for instruction in agriculture, industrial, home economics and commercial subjects under the provisions of this act; and all teachers' training schools, departments and classes applying for federal moneys for the training of teachers and supervisors of said subjects. Approved schools, departments and classes shall be entitled under the provisions of this act, to federal moneys, and approved teachers' training schools, departments and classes shall be entitled to such federal moneys, so long as they are approved by such board as to site, plant, equipment, number and qualification of teachers, employment of teachers, admission and number of pupils, courses of study, methods of instruction and expenditure of money. All

disbursements of federal moneys to such approved schools, departments, and classes and to such approved teachers' training schools, departments and classes shall be made by the state treasurer on the requisition of such state board.

Sec. 7. That the state superintendent of public instruction shall be the executive officer of such state board for the administration of this act. He shall, with the approval of such board, appoint such assistants as may be necessary to properly carry out the provisions of this act.

Sec. 8. That the board of directors of any school district is hereby authorized to carry on prevocational and vocational instruction in agricultural, industrial, home economics, and commercial subjects and to pay the expense of such instruction in the same way as the expenses for other subjects in the public schools are now paid.

Sec. 9. That the board of directors of any school district (having a population of more than 5,000 persons) maintaining a school, department or class receiving the benefit of federal moneys under the provisions of this act shall, as a condition of approval by such state board as herein provided; appoint a local advisory committee for vocational education consisting of persons of experience in agriculture, industry, home economics or business to give advice and assistance to such board of directors in the establishment and maintenance of such schools, departments and classes. Such state board may require the board of directors of any school district that maintains such an approved school, department or class to appoint such an advisory committee. Such persons of experience shall serve on such advisory committee without compensation.

Sec. 10. That such board is hereby authorized to make such expenditure for the actual expenses of the board and of such state advisory committee for vocational education incurred in the discharge of their duties as herein provided, for the salaries of assistants, and for such office and other expenses as in the judgment of such board are necessary to the proper administration of this act, and there is hereby appropriated out of any funds in the state treasury not otherwise appropriated, the sum of $9,000 per annum for the actual expenses of said board of vocational education mentioned in this section.

Sec. 11. That such board shall make to the general assembly at each biennial session thereof, a report on the administration of this act and on the expenditures of money under the provisions of this act.

Sec. 12. That all acts and parts of acts in conflict with this act are hereby repealed. [38 G. A., ch. 337; 37 G. A., ch. 290.]

EMERGENCY APPROPRIATION.

Section 1. That section ten (10) of chapter two hundred ninety (290), of the acts of the thirty-seventh (37th) general assembly be amended by adding thereto the following:

"There is hereby appropriated out of any funds in the state treasury not otherwise appropriated, the sum of two thousand fifty dollars ($2,050) in addition to any appropriation heretofore made, for the actual expenses of said board for vocational education for the period from March 1, 1919, to June 30, 1919."

Sec. 2. This act being of immediate importance shall take effect from and after its publication in the Des Moines Register and the Des Moines Capital, newspapers published in Des Moines, Iowa. [38 G. A., ch. 81.]

PROMOTION OF EDUCATION IN AGRICULTURE, TRADES AND INDUSTRIES.

Section 1. That the provisions of the act of congress, enacted by the sixty-fifth congress at the second session thereof, entitled an "act to provide for the promotion of vocational education; to provide for co-operation with the states in the promotion of such education in agriculture and the trades and industries; to provide for co-operation with the states in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure", and approved February 23, 1917, be and the same is hereby accepted.

Sec. 2. That the benefits of all funds appropriated under the provisions of such act are hereby accepted as provided in such act.

Sec. 3. That the state board for vocational education is hereby designated as the state board as provided in such act, is charged with the duty and responsibility of co-operating with the federal board for vocational education in the administration of such act; and is given all power necessary to such co-operation.

Sec. 4. That such state board is hereby authorized to make such expenditures for the salaries of assistants and for such office and other expenses as such state board may deem necessary to the proper administration of the funds allotted to the state of Iowa under the ministration of the funds allotted to the state of Iowa under the provisions of such act.

Sec. 5. That the state treasurer is appointed as custodian of funds for vocational education, as provided in such act; and is charged with the duty and responsibility of receiving and providing for the proper custody and for the proper disbursements on vouchers drawn by such state board, of moneys paid to the state from the appropriations made under the provisions of such act.

Sec. 6. That the state treasurer as custodian of funds for vocational education shall make to the general assembly, at each biennial session thereof, a report of the receipts and disbursements of moneys received by him under the provisions of such act and such state board shall make to the general assembly at each biennial session thereof a report of its administration of such act, and the expenditures of money allotted to the state under the provision of such act.

Sec. 7. This act being deemed of immediate importance shall be in effect on and after its publication in the Des Moines Register, and the Des Moines Capital, newspapers published in Des Moines, Iowa. [37 G. A., ch. 300.]

PART-TIME SCHOOLS.

Section 1. That the board of directors of any organized school district may establish and maintain part-time schools, departments, or classes in aid of vocational and other education for minors between the ages of fourteen (14) and sixteen (16) years (1) holding work certificates, or (2) who have not completed the eighth grade and are employed in a "store or mercantile establishment," where eight (8) or a less number of persons are employed, or in "establishments or occupations which are owned or operated by their own parents," or (3) who have completed the eighth grade and are not engaged in some useful occupation; and such board of directors shall organize such part-time school, department, or class whenever there are fifteen (15) minors as defined above resident in the district. The courses of study of part-time schools, departments, or classes may include, "any subject given to enlarge the civic or vocational intelligence," of the pupils attending.

Sec. 2. The board of directors may raise and expend money for the support of such part-time schools, departments, or classes, in the same manner in which it is authorized to raise and expend funds for other school purposes.

Sec. 3. Such part-time schools, departments, or classes, for the attendance of children over fourteen (14) and under sixteen (16) years of age, shall be organized in accordance with standards established by the state board for vocational education, and shall provide for not less than eight (8) hours of instruction per week during the length of term for which public schools are established in the district. Such part-time schools, departments, or classes shall be held between the hours of eight (8) o'clock a. m. and six (6) o'clock p. m.

Sec. 4. Whenever any such part-time school or class shall have been approved by the state board for vocational education, the board of directors shall be entitled to reimbursement on account of expenditure made for the salaries of teachers in such part-time

schools, departments, or classes, from any federal and state funds appropriated in aid of vocational education, as provivded in the statutes governing such appropriations.

Sec. 5. The state board for vocational education is hereby authorized to fix standards for the establishment of part-time schools, departments, or classes; to fix the requirements of teachers, and to approve courses of study for such part-time schools, departments, or classes.

Sec. 6. When such part-time school shall have been established, any parent or person in charge of such minor as defined in section 1 hereof who shall violate the provisions of this act shall be punished by a fine of not less than ten (10) dollars nor more than fifty (50) dollars, or any person unlawfully employing any such minor shall be punished by a fine of not less than twenty (20) dollars nor more than one hundred (100) dollars, or be imprisoned in the county jail not to exceed thirty (30) days.

Sec. 7. The enforcement of this act shall rest with the school board in the district in which such part-time school, department, or class shall have been established and the state department of public instruction through its inspectors and the board of vocational education through its supervisors of vocational education, in conjunction with the county superintendent of schools, are empowered to require enforcement of the same on the part of school boards. [38 G. A., ch. 94.]

HOURS THAT CHILD LABOR MAY BE EMPLOYED.

Section 1. That section two thousand four hundred seventy-seven-c (2477-c), supplemental supplement to the code, 1915, be and the same is hereby repealed and the following enacted in lieu thereof:

Sec. 2477-c. No person under sixteen years of age shall be employed at any of the places or in any of the occupations recited in section 1 hereof before the hour of seven o'clock in the morning or after the hour of six o'clock in the evening, and if such person is employed exceeding five hours of each day, a noon intermission of not less than thirty minutes shall be given between the hours of eleven and one o'clock, and such person shall not be employed more than eight hours in any one day, exclusive of the noon hour intermission; nor shall any such person be employed more than forty-eight hours in any one week; provided that whenever in any organized school district there shall have been established a part-time school, department or class, no person under sixteen years of age shall be employed for more than forty hours in any one week; nor shall any person under eighteen years of age be employed in the transmission, distribution or delivery of goods or messages between the hours of ten in the evening and five in the morning in any city of ten thousand or more inhabitants.

Sec. 2. That all the penalties contained in section two thousand four hundred seventy-seven-e (2477-e), supplement to the code, 1913, be and the same are hereby made applicable to any violation of the provisions of section 1 of this act.

Sec. 3. This act being deemed of immediate importance shall take effect and be in force from and after its passage, approval and publication in the Des Moines Capital and the Des Moines News, newspapers published at Des Moines, Iowa. [38 G. A., ch. 139.]

STATE BOARD OF EDUCATION.

Sec. 2682-c. **State board of education.** The state university, the college of agriculture and mechanic arts, including the agricultural experiment station, and the Normal School at Cedar Falls, and the College for the Blind at Vinton, shall be governed by a state board of education consisting of nine members and not more than five of the members shall be of the same political party. Not more than three alumni of the above institutions and but one alumnus from each institution may be members of this board at one time. [34 G. A., ch. 141, § 2; 33 G. A., ch. 170, § 1.]

Sec. 2682-e. **Meetings.** The board shall meet four times a year. Special meetings may be called by the board, by the president of the board, or they may be called by the secretary of the board. upon the written request of any five members thereof. [33 G. A., ch. 170, § 3.]

Sec. 2682-f. **Organization—powers and duties.** The state board of education shall have power to elect a president from their number; a president and treasurer for each of said educational institutions, and professors, instructors, officers, and employes, to fix the compensation to be paid to such officers and employes; to make rules and regulations for the government of said schools, not inconsistent with the laws of the state; to manage and control the property, both real and personal, belonging to said educational institutions; to execute trusts or other obligations now or hereafter committed to the institutions; to direct the expenditure of all appropriations the general assembly shall, from time to time, make to said institutions, and the expenditure of any other moneys; and to do such other acts as are necessary and proper for the execution of the powers and duties conferred upon them by law. Within ten days after the appointment and qualification of the members of the board, it shall organize and prepare to assume the duties to be vested in said board, but shall not exercise control of said institutions until the first day of July, A. D. one thousand nine hundred nine (1909). [33 G. A., ch. 170, § 4.]

Sec. 2682-g. **Board of regents and boards of trustees abolished.** The board of regents and the boards of trustees now charged with the government of the state university, the college of agriculture

and mechanic arts, and the normal school, shall cease to exist on the first day of July, A. D. 1909, and on the same date, full power to manage said institutions, as herein provided, shall vest in the said state board of education. Nothing herein contained shall limit the general supervision or examining powers vested in the governor by the laws or constitution of the state. [33 G. A., ch. 170, § 5.]

Sec. 2682-h. **Finance committee—officers—duties—term.** The said board of education shall appoint a finance committee of three from outside its membership, and shall designate one of such committee as chairman and one as secretary. The secretary of this committee shall also act as secretary of the board of education and shall keep a record of the proceedings of the board and of the committee and carefully preserve all their books and papers. All acts of the board relating to the management, purchase, disposition, or use of lands or other property of said educational institutions shall be entered of record, and shall show who are present and how each member voted upon each proposition when a roll call is demanded. He shall do and perform such other duties as may be required of him by law or the rules and regulations of said board. Not more than two members of this committee shall be of the same political party and its members shall hold office for a term of three years unless sooner removed by a vote of two-thirds of the members of the state board of education. [34 G. A., ch. 132, § 1; 33 G. A., ch. 170, § 6.]

Sec. 2682-i. **Oath—bond.** Each member of the board and each member of the finance committee shall take oath and qualify, as required by section one hundred seventy-nine (179) of the code. The members of the finance committee, before entering upon their official duties, shall each give an official bond in the sum of twenty-five thousand dollars ($25,000), conditioned as provided by law, signed by sureties approved by the governor and, when so given, said bonds shall be filed in the office of the secretary of state. [33 G. A., ch. 170, § 7.]

Sec. 2682-k. **Business office—employes—monthly visitation.** A business office shall also be maintained at each of the three educational institutions, and the board may hire such employes as may be necessary to enable the board to carry out the purposes of its creation, and to assist the said finance committee in the performance of its duties, and shall present to each general assembly an itemized account of the expenditures of said committee. The members of the finance committee shall, once each month, attend each of the institutions named for the purpose of familiarizing themselves with the work being done, and transacting any business that may properly be brought before them as a committee. [34 G. A., ch. 132, § 3; 33 G. A., ch. 170, § 9.]

Sec. 2682-u. **Biennial report.** The board shall make reports to the governor and legislature of its observations and conclusions

respecting each and every one of the institutions named, including the regular biennial report to the legislature covering the biennial period ending June 30th, preceding the regular session of the general assembly. Said biennial report shall be made not later than October 1st, in the year preceding the meeting of the general assembly, and shall also contain the reports which the executive officers of the several institutions are now or may be by the board required to make, including, for the use of the legislature, biennial estimates of appropriations necessary and proper to be made for the support of the said several institutions and for the extraordinary and special expenditures for buildings, betterments and other improvements. [33 G. A., ch. 170, § 19.]

Sec. 2682-w. **College for blind—control transferred.** That all the powers heretofore granted to and exercised by the board of control over the college for the blind are hereby transferred to the state board of education and the state board of education is authorized and empowered to take charge of, manage and control said college for the blind. [34 G. A., ch. 141, § 3.]

Section 1. **School for the deaf—control transferred.** All the powers heretofore granted to and exercised by the board of control over the state school for the deaf are hereby transferred to the state board of education, and the state board of education is hereby authorized and empowered to take charge of, manage and control such school for the deaf.

Sec. 2. **Transfer of funds.** All funds now in the hands of the treasurer of state to the credit of said school for the deaf are transferred from the board of control to the state board of education. [37 G. A., ch. 160.]

THE STATE COLLEGE OF AGRICULTURE AND MECHANIC ARTS.

Act of Congress, July 2, 1862.

AN ACT donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and mechanic arts.

Section 1. That there be granted to the several states for the purpose hereinafter named, an amount of the public land, to be apportioned to each state, a quantity equal to thirty thousand acres for each senator and representative in congress to which the states are respectively entitled, by the apportionment under the census of 1860; provided, that no mineral lands shall be selected under the provisions of this act.

Sec. 2. That the land aforesaid, after being surveyed, shall be apportioned to the several states in sections or sub-divisions of sections, not less than one-quarter of a section; and whenever there are public lands in a state subject to sale at private entry at one dollar and twenty-five cents per acre, the quantity to which said state shall be entitled shall be selected from such lands

within the limits of such state, and the secretary of the interior is hereby directed to issue to each of the states in which there is not the quantity of public lands subject to sale at private entry at one dollar and twenty-five cents per acre, to which said state may be entitled under this act, land scrip to the amount in acres for the deficiency of its distributive share; said scrip to be sold by said states and the proceeds thereof to be applied to the uses and purposes described in this act, and for no other purpose whatever; provided, that in no case shall any state to which land scrip may thus be issued, be allowed to locate the same within the limits of any other state, or of any territory of the United States, but their assignees may thus locate said land scrip upon any of the unappropriated lands of the United States subject to sale at private entry at one dollar and twenty-five cents or less per acre; and provided further, that not more than one million acres shall be located by such assignees, in any one of the states; and provided further, that no such location shall be made before one year from the passage of this act.

Sec. 3. That all the expenses of management, superintendence, and taxes from date of selection of said lands previous to their sale, and all the expenses incurred in the management and disbursement of the moneys which may be received therefrom, shall be paid by the state to which which they may belong, out of the treasury of said state, so that the entire proceeds of the sales of said lands shall be applied without any diminution whatever to the purposes hereinafter mentioned.

Sec. 4. That all moneys derived from the sale of the lands aforesaid by the states to which the lands are apportioned, and from the sale of land scrip hereinbefore provided for, shall be invested in the stocks of the United States, or of the states, or of some other safe stocks, yielding not less than five per centum upon the par value of said stocks; and that the money so invested shall constitute a perpetual fund, the capital of which shall remain forever undiminished (except so far as may be provided in section fifth of this act), and the interest of which shall be inviolably appropriated by each state, which may take and claim the benefit of this act, to the endowment, support, and maintenance, of at least one college, where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the states may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions of life.

[Chapter 108. Statutes at Large, 47th Congress, approved April 26, 1882, amends this section "so as to permit the state of Iowa, which has provided a college in accordance with this act, to loan endowment fund belonging to said college, upon real estate security, under such rules and regulations as the general assembly shall hereafter provide."]

Sec. 5. *And be it further enacted,* that the grant of land and land scrip hereby authorized shall be made on the following conditions, to which, as well as to the provisions hereinbefore contained, the previous assent of the several states shall be signified by legislative acts:

First. If any portion of the fund invested as provided by the foregoing section, or any portion of the interest thereon shall, by any action or contingency, be diminished or lost, it shall be replaced by the state to which it belongs, so that the capital of the fund shall remain forever undiminished, and the annual interest shall be regularly applied, without diminution, to the purposes mentioned in the fourth section of this act, except that a sum not exceeding ten per centum upon the amount received by any state under the provisions of this act may be expended for the purchase of lands for sites or experimental farms, whenever authorized by the respective legislatures of said states.

Sec. 2645. **Grant accepted.** Legislative assent is given to the purposes of the various congressional grants to the state for the endowment and support of a college of agriculture and mechanic arts, and an agricultural experiment station as a department thereof, upon the terms, conditions and restrictions contained in all acts of congress relating thereto, and the state assumes the duties, obligations and responsibilities thereby imposed. All moneys appropriated by the state because of the obligations thus assumed, and all funds arising from said congressional grants, shall be invested or expended in accordance with the provisions of such grant, for the use and support of said college located at Ames. [24 G. A., ch. 6; 20 G. A., ch. 76, § 1; C. '73, § 1604; R., § 1714.]

Sec. 2648. **Courses of study.** There shall be adopted and taught practical courses of study embracing in their leading branches such as relate to agriculture and the mechanic arts, and such other branches as are best calculated to thoroughly educate the agricultural and industrial classes in the several pursuits and professions of life, including military tactics, and, as a separate department, a school of mines, in which a complete course in theoretical and practical mining in its different branches shall be taught. [25 G. A., ch. 107; 20 G. A., ch. 27; C. '73, § 1621.]

Sec. 2649. **Tuition—admission.** Tuition in the college herein established shall be forever free to pupils from the state over sixteen years of age, who have been residents of this state six months previous to their admission. Each county in this state shall have a prior right to tuition for three scholars from such county; the remainder, equal to the capacity of the college, shall be by the trustees distributed among the counties in proportion to the population, subject to the above rule. Transient scholars otherwise qualified, may at all times receive tuition. [C. '73, § 1619.]

Sec. 2673. **Sale of liquors.** No person shall open, maintain or conduct any shop or other place for the sale of wine, beer or spirituous liquors, or sell the same at any place within a distance of three miles from the agracultural college and farm; provided, that the same may be sold for sacramental, mechanical, medical or culinary purposes; and any person violating the provisions of this section shall be punished on conviction by any court of competent jurisdiction, by a fine not exceeding fifty dollars for each offense, or by imprisonment in the county jail for a term not exceeding thirty days, or by both such fine and imprisonment. [C. '73, § 1620.]

THE NORMAL SCHOOL.

Sec. 2675. **Board of trustees—officers.** The normal school at Cedar Falls, for the special instruction and training of teachers for the common schools, shall be officially designated and known as the Iowa State Teachers' College. The treasurer shall give bond in the sum of twenty thousand dollars, with good and sufficient sureties, to be filed with and approved by the secretary of state, which bond shall be conditioned for the safe keeping and proper disbursement of all money coming into his hands by virtue of his office. [33 G. A., ch. 171, § 1; 16 G. A., ch. 129, §§ 1, 4.]

Sec. 2676. **Powers of board—admission—fees.** The board shall have power to employ a sufficient number of suitable and competent teachers and other assistants; fix their compensation; make all necessary rules and regulations for the management of the school, the admission of pupils from the several counties in the state, giving to each county its proper representation therein in proportion to the population thereof, and to all teachers in the state equal rights, requiring that each one received as a pupil shall furnish satisfactory evidence of good moral character and the honest intention of following the business of teaching school in the state; and make such arrangements as it may for the lodging and boarding of pupils, which shall be paid for by them. It may charge a fee for contingent expenses not to exceed one dollar monthly, and a tuition fee of not more than six dollars a term, if necessary for the proper support of the institution, and shall determine what part of the year the school shall be open, its sessions to continue, however, for at least twenty-six weeks of each year. [17 G. A., ch. 142, § 2; 16 G. A., ch. 129, § 5.]

Sec. 2677. **Branches of study.** Physiology and hygiene shall be included in the branches of study regularly taught to and studied by all pupils in the school, and special reference shall be made to the effect of alcoholic drinks, stimulants and narcotics upon the human system, and the board shall provide the means for the enforcement of the provisions of this section and see that they are obeyed. [25 G. A., ch. 1, § 1.]

Sec. 2678. **Contract with school districts.** The board may contract with the board of directors of the school township or independent district in which the school is situated, and those contiguous thereto, for a period not exceeding two years at a time, to receive the pupils thereof into the State Teachers' College and furnish them with instruction, payment therefor to be made out of the teachers' fund of such townships or districts, which shall not exceed fifty cents, weekly, for each pupil; the contract to be in writing, and a copy filed with the county superintendent. [25 G. A., ch. 40, §§ 1-3.]

Sec. 2679. **Teachers' reports—tuition.** If such a contract is entered into, all reports required by law to be made to the board of directors of such township or districts and the county superintendent, by the teachers thereof, shall be made by the principal of the normal school, and all sums paid for tuition shall go to its contingent fund. [Same, §§ 3, 4.]

Sec. 2680. **Report to governor.** The board shall biennially, through its secretary, make a detailed report to the governor of its proceedings during the preceding two years, which report shall show the number of teachers employed, the compensation of each, the number of pupils and classification, an itemized statement of receipts and expenditures, and such further information with such recommendations. [31 G. A., ch. 125; 22 G. A., ch. 64, § 2; 16 G. A., ch. 129, § 9.]

Sec. 2682-b. **Reports what to contain.** That the secretary of the state university, the secretary of the state college of agriculture and mechanic arts, and the secretary of the State Teachers' College be required hereafter to make report to each general assembly within three days after the said general assembly shall have convened. Said reports shall show in plain manner the amount available each fiscal year from state appropriations and all other sources, for the erection, equipment, improvement and repair of buildings, also the funds received from state appropriations, interest on endowment funds, tuition, laboratory fees, janitor fees, donations, rent of lands and from all sources whatsoever, going to affect the annual income of the support funds of said institutions. Any appropriation of funds received for any special purpose whatsoever shall also be reported. Hospital receipts and sales of departments shall be listed separately. The report shall show how the moneys thus received were expended, giving under separate heads the cost of instruction, administration, maintenance and equipment of departments, and the general expenses of the institutions. It shall clearly state the number of professors, instructors, fellows and tutors, and the number of students enrolled in each course during each year of the biennial period. Students attending the short courses shall be reported separately. The amount of unexpended balances of departments, remaining in the hands of the treasurer, and the amounts undrawn from the

state treasury on the thirtieth of June of the last year of the biennial period shall be given. The report of the secretary of the state college of agriculture and mechanic arts shall also show the receipts of the experiment station from all sources for each fiscal year and how such funds were expended. [33 G. A., ch. 170; 30 G. A., ch. 104.]

CONSTITUTION OF IOWA

ARTICLE 9.

1. EDUCATION AND SCHOOL LANDS. 2. SCHOOL FUNDS AND SCHOOL LANDS.

Section 1. **Under control of general assembly.** The educational and school fund and lands, shall be under the control and management of the general assembly of this state.

Sec. 2. **Permanent fund.** The university lands, and the proceeds thereof, and all moneys belonging to said fund shall be a permanent fund for the sole use of the state university. The interest arising from the same shall be annually appropriated for the support and benefit of said university.

Sec. 3. **Lands appropriated.** The general assembly shall encourage, by all suitable means, the promotion of intellectual, scientific, moral and agricultural improvement. The proceeds of all lands that have been, or hereafter may be, granted by the United States to this state, for the support of schools, which may have been or shall hereafter be sold or disposed of, and the five hundred thousand acres of land granted to the new states, under an act of congress, distributing the proceeds of the public lands among the several states of the union, approved in the year of our Lord one thousand eight hundred and forty-one, and all estates of deceased persons who may have died without leaving a will or heir, and also such per cent as has been or may hereafter be granted by congress, on the sale of lands in this state, shall be, and remain a perpetual fund, the interest of which, together with all rents of the unsold lands, and such other means as the general assembly may provide, shall be inviolably appropriated to the support of common schools throughout the state.

Sec. 4. **Fines, etc.—how appropriated.** The money which may have been or shall be paid by persons as an equivalent from exemption from military duty, and the clear proceeds of all fines collected in the several counties for any breach of the penal laws shall be exclusively applied in the several counties in which such money is paid, or fine collected, among the several school districts of said counties, in proportion to the number of youths subject to enumeration in such districts, to the support of common schools, or the establishment of libraries, as the board of education shall from time to time provide.

Sec. 5. **Proceeds of lands.** The general assembly shall take measures for the protection, improvement, or other disposition of such lands as have been, or may hereafter be reserved, or granted by the United States, or any person or persons to this state, for the use of the university, and the funds accruing from the rents or sale of such lands, or from any other source for the purpose aforesaid, shall be, and remain, a permanent fund, the interest of which shall be applied to the support of said university, for the promotion of literature, the arts and sciences, as may be authorized by the terms of such grant. And it shall be the duty of the general assembly, as soon as may be, to provide effectual means for the improvement and permanent security of the funds of said university.

Sec. 6. **Agents of school funds.** The financial agents of the school funds shall be the same that, by law, receive and control the state and county revenue, for other civil purposes, under such regulations as may be provided by law.

Sec. 7. **Distribution.** The money subject to the support and maintenance of common schools shall be distributed to the districts in proportion to the number of youths, between the ages of five and twenty-one years, in such manner as may be provided by the general assembly.

An act providing for a different method of distribution of the school fund, held unconstitutional as in conflict with the above section. *Dist. Tp. v. County Judge*, 13 Iowa, 250.

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